



3898

## FCAB UPDATE

*Week of October 1, 2001*

(Last update was dated August 27, 2001)

### MEETING SCHEDULE

**DOE Cleanup Progress Briefing**  
Tuesday, October 9, 2001, 6:30 p.m.

Large Lab Conference Room

**Stewardship Committee Meeting**  
Thursday, October 11, 2001, 6:30 p.m.

Trailer 1 (T-01)

**FCAB Annual Retreat**  
Saturday, October 13, 2001, 8:30 a.m.

The Hamiltonian Hotel

### ATTACHMENTS

- 10/01/01 Memo from Doug Sarno regarding October meetings
- Retreat Agenda
- Stewardship Committee Agenda
- Legislative and Policy Environmental Issues from Washington (vol. 2, No. 16 – September 10<sup>th</sup>, 2001)
- National Association of Environmental Professionals (NAEP) Announcement about their 27<sup>th</sup> Annual Conference on June 23 – 26, 2002 in Dearborn, Michigan.
- Two news clippings about Donald R. Schregardus, former Ohio Environmental Official and E.P.A. Enforcement Nominee

### NEWS and ANNOUNCEMENTS

#### NOTE MEETING LOCATION CHANGE

The next Stewardship Committee meeting will be held on Thursday, October 11, 2001 at Trailer 1 (T-01) next to the old guards building. Members who are planning to attend the Annual Retreat, please come prepared with your 2002 calendars.

### FOR FURTHER INFORMATION

Please contact Doug Sarno or Mildred Charles, The Perspectives Group  
Phone: 513-648-6478 or 703-971-0058 Fax: 513-648-3629 or 703-971-0006  
E-Mail: [djsarno@theperspectivesgroup.com](mailto:djsarno@theperspectivesgroup.com) or [mcharles@theperspectivesgroup.com](mailto:mcharles@theperspectivesgroup.com)



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## MEMORANDUM

**DATE:** October 2, 2001  
**TO:** FCAB Members  
**FROM:** Doug Sarno  
**RE:** October Meetings

*Chair*  
James C. Bierer

*Vice Chair*  
Thomas E. Wagner

*Members*  
Sandy Butterfield  
Marvin W. Clawson  
Lisa Crawford  
Stephen P. Depoe  
Louis Doll  
Pamela Dunn  
Jane Harper  
Robert G. Tabor  
Fawn Thompson  
Gene E. Willeke

*Ex Officio Members*  
L. French Bell  
Gene Jablonowski  
Stephen H. McCracken  
Graham Mitchell

*Support Staff*  
Phoenix Environmental  
Douglas J. Sarno  
Crystal M. Sarno  
703-971-0030  
703-971-0006 Fax

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Due to the tragic events of September 11<sup>th</sup>, 2000, both the FCAB Annual Retreat and Stewardship Committee meetings were cancelled. The new dates are as follows:

**October 9, 2001**      *DOE Monthly Progress Briefing at Large Lab Conference Room*  
**October 11, 2001**      *Stewardship Committee Meeting at Trailer 1*  
**October 13, 2001**      *Fernald Citizens Advisory Board Annual Retreat at the Hamiltonian Hotel*

An update that includes the **FCAB 2002 Meetings Calendar** will be mailed to you following the board's annual retreat.

Due to demolition activities on site, please note that both the Stewardship Committee and full Board meetings have moved. For the time being, Stewardship Committee meetings will be held in Trailer (T-01) next to the old guards building. Full Board meetings will move back to the Large Lab Conference room. If you have any questions or concerns, please feel free to contact me at 703-971-0058 or 513-648-6478.

I know we all keep the victims, their families, and the heroic firefighters and rescue teams in our prayers. God Bless America.

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## RETREAT AGENDA, 9/15/01

Saturday, October 13, 2001

The Hamiltonian Hotel

- 8:30 a.m. Continental Breakfast
- 9:00 – 9:15 a.m. Opening Remarks  
Report on the SSAB Chair's Meeting
- 9:15 – 10:00 a.m. Self-Evaluation  
*What have we done well?*  
*Where can we improve?*
- 10:00 – 10:15 a.m. Ex-Officio Reports: Desired FCAB Goals for the Next Year  
*DOE*  
*Ohio EPA*  
*USEPA*
- 10:15 – 10:30 a.m. Break
- 10:30 – 11:30 a.m. FCAB Goals for the Next Year  
*What are the key issues for the site?*  
*What are the key issues for stakeholders?*  
*What issues are left underserved from FHES and CRO?*  
*Where can the FCAB be most useful?*
- 11:30 – 12:00 p.m. Agree to Goals for the Year  
List of Key Actions and Deliverables for FY2001
- 12:00 – 1:00 p.m. Lunch
- 1:00 – 2:00 p.m. FCAB Structure  
*Should we maintain the full board schedule?*  
*Should we maintain the stewardship committee schedule?*  
*Set calendar for year*
- 2:00 – 2:30 p.m. Membership  
*What is our long-term membership strategy?*  
*How do we handle the need for expert input?*  
*How should we approach the long-term involvement of UC?*  
*Should we recruit? How and who?*
- 2:30 – 3:00 p.m. Leadership  
*Jim, Tom, and Pam plans for 2002?*
- 3:00 – 3:30 p.m. Wrap Up and Adjourn



**STEWARDSHIP COMMITTEE MEETING**  
Trailer T-01

Thursday, October 11, 2001

**AGENDA**

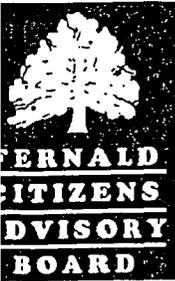
Opening Remarks: Pam Dunn

Review of the Results of FDF Space Planning

Planning for Design Charette

Discussion of EM-50 Grant for Feasibility Study

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## MEMORANDUM

**DATE:** October 2, 2001  
**TO:** FCAB Members  
**FROM:** Doug Sarno  
**RE:** Legislative and Policy Issues Attachments

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In an effort to keep the FCAB informed about important environmental issues of concern, the attached bi-weekly update on *Environmental Legislative and Public Policy Issues from Washington* has been included. Attachments that are similar in nature will also be included in subsequent mailings. Please let me know what you think so that we can continue to provide you with information that is relevant to our planning needs.

*Director*  
James C. Bierer

*Chair*  
Thomas E. Wagner

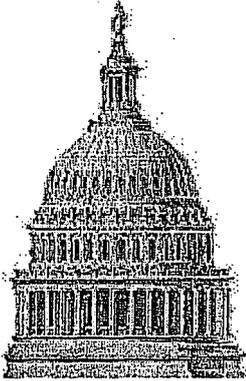
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Andy Butterfield  
Kevin W. Clawson  
Crawford  
John P. Depoe  
Chris Doll  
Mela Dunn  
Harper  
Robert G. Tabor  
John Thompson  
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*Officio Members*  
Drench Bell  
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Ham Mitchell

*Support Staff*  
Benix Environmental  
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## Legislative & Policy Issues



# From Washington...

a bi-weekly update on legislative and public policy issues  
of interest to planners and communities

Vol. 2, No. 16

September 10, 2001

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[Farm Bill Holds Promise for Planners and Smart Growth](#)  
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### 'The Hill' At-a-Glance

Issue	Status	Next Steps	Action
Community Character Act H.R. 1433 / S. 975	House: Referred to Financial Services and Resources Committees; Introduced in the Senate	Senate Bill Referred to Environment & Public Works Committee; Advocates Press for Hearings	Tell your Representative and Senators to support CCA by becoming cosponsors; Send your message at <a href="http://cw2k.capweb.net/planning">http://cw2k.capweb.net/planning</a>
Brownfields Revitalization and Environmental Restoration Act, S. 350	Passed by Senate, 99-0; Agreement Reached for House Consideration of S. 350	Full House Vote Under Suspension of the Rules	Encourage Representatives to Support the Provisions of S. 350 & Pass Brownfields Reform This Year
Coastal Zone Management Act, S.328	Introduced in the Senate; House Hearings Held	House Version to be Introduced	Ask your Senators to support S. 328
Conservation and Reinvestment Act, H.R.701, S. 1328	House Committee Approves Bill; Senate Version Introduced	Full House to Consider CARA	Urge your Representative to become a cosponsor of H.R.701

Post Office Community Partnership Act, H.R. 1861 / S. 897	Introduced in House, Senate; 73 House Cosponsors	Referred to House Government Reform Comm.; Senate Govt. Affairs Comm.	Get involved at <a href="http://www.stampoutsprawl.org">www.stampoutsprawl.org</a> !
Farm Bill Reauthorization, H.R. 2646	Passed by House Ag. Committee; Senate Committee Begins Hearings	House Vote This Week; Amendments Expected for More Planning & Conservation Funding	Support Kind/Gilcrest/Boehlert and Clayton Amendments to H.R. 2646
Urban Sprawl and Smart Growth Study Act, H.R. 1739	Introduced in the House	Referred to the House Resources and Energy and Commerce Comms.	
Commuter Benefits Equity Act, H.R. 318 / S. 217	Introduced by Rep. McGovern & Sen. Schuster; 27 Cosponsors in House, 10 in Senate	Referred to House Ways & Means Comm. And Senate Finance Committee	
Historic Homeownership Assistance Act, H.R. 1172 / S. 920	Introduced in House; 127 cosponsors; Introduced in Senate	Referred to House Ways and Means Committee	Ask your Rep to become a cosponsor of H.R. 1172
Revitalizing Cities Through Parks Enhancement Act, HR994	Introduced in the House	Referred to House Financial Services Committee	
Restoration of Funding for Urban Parks and Recreation Recovery Program	House Approves \$30 Million for UPARR; Senate Subcomm Approves \$20 Million	Compromise Version to be Drafted by Conference Committee	Urge Conferees to Adopt House-passed UPARR funding level
Affordable Housing Trust Fund, H.R. 2349 / S. 1248	Introduced in House with 57 cosponsors, Introduced in Senate	Referred to Housing Subcommittees in House and Senate	Ask Congress to Enact an Affordable Housing Trust Fund
Transit in Parks Act, S. 1136	Introduced in Senate		Ask Your Senators to Cosponsor TRIP Legislation
Remote Sensing Applications Act of 2001, H.R. 2426	Introduced by Reps. Udall and Greenwood	Referred to House Science Subcommittee on Space	Ask Your Rep to Support H.R. 2426

## Brownfields Bill Set for Final Passage

- HOUSE READY TO APPROVE SENATE-PASSED LEGISLATION

Most observers feared that brownfields legislation was once again doomed to legislative limbo. After the Senate approved a consensus compromise bill, S. 350, by a 99-0 vote, action in the House had stalled over provisions regarding the U.S. Environmental Protection Agency's ability to reassert authority over state-certified brownfield sites. But, intervention by the Bush Administration and House Speaker Dennis Hastert (R-IL) late last week led to an unexpected agreement to push the Senate version to an expedited floor vote this week.

The provisions of S. 350 will be attached to a bill introduced by Speaker Hastert (H.R. 1831) designed to limit superfund liability of small businesses that contributed only small amounts of waste to a site. The House will consider the combined bill under a suspension of the rules vote (requiring a 2/3s majority) later this week. The bill could be on President Bush's desk by the end of the month.

The compromise was sealed when Speaker Hastert and the White House convinced House Energy and Commerce Subcommittee on the Environment and Hazardous Materials Chairman Paul Gillmor (R-OH) to accept the EPA finality language contained in the Senate bill. Brownfields reform has been among the top environmental priorities of the Bush Administration dating back to last fall's campaign. Pressure from the Administration was critical to overcoming the House impasse. The agreement paving the way for final passage of S. 350 was immediately hailed by a wide of array of lawmakers and organizations.

APA and other smart growth advocacy groups had long pressed for approval of S. 350. The bill will provide needed resources for brownfield site evaluation and remediation and remove legal obstacles to development. Returning brownfield sites to productive reuse is essential to in-fill development strategies and promoting the revitalization of urban communities.

The bill provides \$250 million for state site inspection and remediation. The measure also offers liability reforms needed to provide communities, innocent parties and potential investors with protection necessary for redevelopment to occur. Under the Senate bill, states assume a key role in clean-up and site certification, however the bill does allow EPA to require additional cleanup action at a site if it determines a release or threatened release of toxic waste "may present an imminent and substantial endangerment to public health or welfare of the environment" and additional work is necessary to prevent or mitigate the release; or, EPA determines information previously unavailable shows contamination or other conditions at a site present a threat requiring additional work to protect public health or the environment. Regardless of the reason, EPA is required to consult with state officials in determining when new information about a site presents a threat to human health and the environment.

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## **Farm Bill Holds Promise for Planners and Smart Growth**

- **HOUSE SET TO VOTE THIS WEEK AS SENATE COMMITTEE BEGINS WORK**

As the House moves toward expected consideration of the massive ten-year reauthorization of the nation's farm commodity, rural development and agriculture land conservation programs this week, planners and smart growth advocates are pressing for modifications that promise historic assistance for land conservation and rural planning efforts.

## Conservation

The 2001 Farm Bill is an absolutely critical opportunity to support smart growth and growth management at the federal level. Reps. Ron Kind (D-WI), Wayne Gilchrest (R-MD), and Sherwood Boehlert (R-NY) are planning to offer a substitute for the flawed conservation title of the farm bill that was passed by the House Agriculture Committee. The substitute is based on H.R. 2375 previously introduced by Reps. Kind, Gilchrest and Boehlert with more than 130 cosponsors. The substitute is an important opportunity to support voluntary, incentive-based farmland conservation programs, contain sprawling development, improve water quality and enhance wildlife habitat.

The Kind-Boehlert-Gilchrest amendment would triple federal agricultural conservation and environmental spending to \$6 billion a year. In particular, the Kind-Gilchrest-Boehlert amendment (H.R. 2375) will promote smart growth by preserving farmland by providing \$500 million per year, which can be matched by states, for local and private conservation easements amounting to \$1 billion per year. The measure also provides \$2 billion in annual funding for agricultural non-point source pollution abatement and preserves 250,000 acres per year of wetlands through the Wetlands Reserve Program.

The measure will increase federal agricultural spending in most congressional districts, and funding will be more equitably distributed among states and localities than under the House Committee bill, which channels the majority of federal assistance to a handful of states. The amendment does not add new funding to the bill but redirects resources from selected commodity programs into conservation activities. If the Kind-Gilchrest-Boehlert amendment fails, larger subsidies will go to large, corporate farms, while small and medium-sized farms and rural open space will continue to disappear.

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## Planning

The bill approved by the House Agriculture Committee contained a \$150 million pilot program aimed at rural regional planning. Section 613 of the rural development title of H.R. 2646 provides \$15 per year for strategic plan development and implementation. The program would be limited to 10 states and seeks to provide capacity building resources for planning in rural areas.

APA applauded the inclusion of a planning assistance program in the legislation but is pressing for numerous improvements to the House Committee approved language. APA plans to support an anticipated amendment on the House floor from Rep. Eva Clayton (D-NC) to give the Section 613 program additional funding and expanded eligibility to create a national competitive grant program. The Clayton amendment would increase planning funding to \$42.75 million per year. Additionally, APA is working with Senate staff on improving the House language to further support regional comprehensive planning. The Senate Agriculture Committee begins consideration of its version of the Farm Bill this month.

Rep. Clayton has noted that funding for planning activities is critical to ensuring that the maximum return is realized on other investments in rural development and conservation programs. The funding for capacity building, plan development and implementation, and

technical assistance is essential to integrating complex programs and helping rural regions – as well as their suburban neighbors – achieve their own vision of smart growth.

With the Farm bill's provisions for land conservation and regional planning, the measure is an important opportunity not just for rural America but also suburban areas concerned about sprawl. Traditional Farm Bill politics have focused on creating and expanding giant crop subsidy programs that disproportionately benefit giant agri-business. The efforts underway to refocus the legislation provide the opportunity for an historic reorientation of federal rural policy.

APA has endorsed the Kind/Gilchrest/Boehlert and Clayton amendments in the House and will be urging the Senate to adopt a bill that promotes regional comprehensive planning and expands needed land conservation programs. The online legislative action center will provide continuous updates on House activity and allow users to contact their Representative and Senators regarding the legislation. The action center can be accessed at <http://cw2k.capweb.net/planning>.

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## Heritage Area Bills Attract House Attention

### • HOUSE SUBCOMMITTEE FOCUSES ON NATIONAL DESIGNATIONS

Tomorrow the House Resources Subcommittee on National Parks, Recreation and Public Lands will hold a hearing on the issue of heritage areas. Specifically, the Subcommittee will look at H.R. 2388, the National Heritage Areas Policy Act. Introduced by Subcommittee Chairman Joel Hefley (R-CO), the bill authorizes the Secretary of the Interior to recommend designations for national heritage areas.

National heritage areas would have to meet specific criteria, including having natural, historic, cultural, or recreational resources. The bill would also require feasibility studies and an Interior-approved management plan. Ten-year grants would be available to local coordinating entities for reports, studies, interpretive exhibits and programs, historic preservation projects and other activities recommended in the management plan for the area, and for the area's operating expenses. The bill also contains private property protection provisions, which will be closely examined at the hearing.

Chairman Hefley's bill is not the only heritage area bill attracting attention. Rep. Mark Udall introduced the Cultural Heritage Assistance Partnership Program (H.R. 1882). Rep. Udall's bill has attracted 11 cosponsors and been referred to Hefley's Subcommittee. The bill would create a new Cultural Heritage Assistance Partnership Program in the National Park Service and establish a Cultural Heritage Citizens Advisory Committee and Federal Cultural Heritage Coordinating Council. Additionally, the Udall bill establishes competitive grants for up to 50 percent of the total cost of a cultural heritage project to States, Indian tribes, local governments, and nonprofit organizations.

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ABSTRACT DEADLINE: October 15, 2001

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### Nominee for EPA Enforcement Post Bows Out

Report Criticizes Former Official's Record on Environmental Oversight in Ohio

By Eric Pianin  
Washington Post Staff Writer  
Tuesday, September 18, 2001; Page A27

With his nomination hopelessly blocked, former Ohio environmental official Donald R. Schregardus yesterday withdrew his name from consideration to head the Environmental Protection Agency's enforcement office.

Schregardus, a former EPA regional official and director of the Ohio Environmental Protection Agency, drew sharp criticism from Democrats and environmental groups concerned that the Bush administration is making efforts to weaken the EPA's enforcement operations.

Senate Environment and Public Works Committee Chairman James M. Jeffords (I-Vt.) initially supported the nomination -- which cleared the panel in early August. But Jeffords ordered an extensive reexamination of Schregardus's record following release of a preliminary EPA report early this month highly critical of Ohio's environmental agency during Schregardus's eight-year tenure as director.

"It is clear to me . . . that my nomination will not be considered by the U.S. Senate in a timely manner," Schregardus said in a letter to President Bush. "Therefore, I would like to withdraw my name from consideration for this position."

EPA Director Christine Todd Whitman said she accepted Schregardus's decision with regret, adding, "It is a loss to both the administration and the country that his skills and extensive background with environmental issues will not be leading our efforts in enforcement."

Yet environmentalists said that the administration had been

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careless in selecting Schregardus for the important enforcement post by overlooking numerous signs of his troubled stewardship in Ohio.

"The Bush administration nominated someone to enforce the law who didn't believe in the law . . . and his lousy record on environmental enforcement in Ohio ultimately caught up to him," said Laura Chapin, a spokeswoman for the Environmental Working Group, an advocacy organization.

Sen. George V. Voinovich (R-Ohio), the former governor, said he had urged the administration to appoint Schregardus administrator of the EPA Region 5 office in Chicago and was surprised to learn that Whitman had instead selected him to be the agency's top enforcement officer. The EPA regional office launched a wide-ranging review of Ohio's environmental program last year in response to complaints and formal petitions from several environmental groups.

The preliminary report said that from 1995 to 2000, the Ohio environmental agency lacked enough employees to protect air quality, had an inadequate training program, failed to scrutinize polluters' claims about their activities and had allowed a precipitous decline in investigations of violators. If not corrected, the EPA's complaint could lead to its revoking the state's authority to enforce federal pollution laws.

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September 18, 2001

## E.P.A. Enforcement Nominee Withdraws

By KATHARINE Q. SEELYE

**W**ASHINGTON, Sept. 17 — The Ohio environmental regulator nominated by President Bush to be the top law enforcement official of the Environmental Protection Agency withdrew his name from consideration today.

In a letter to Mr. Bush, the nominee, Donald Schregardus, said he was withdrawing because it was clear that his nomination "will not be considered in a timely manner."

The terrorist attacks have halted virtually all other Congressional business, but even before the attacks last Tuesday the nomination had become highly controversial and was stalled as a result.

Several Democratic senators and environmental groups said Mr. Schregardus had been lax in enforcing pollution laws in Ohio. The Democrats placed a "hold" on his nomination, effectively blocking it from reaching the full Senate for a vote.

The nomination ran into new trouble when the agency itself released a report on Sept. 4 criticizing Mr. Schregardus's efforts to enforce clean-air laws in Ohio. That report prompted Senator James M. Jeffords, the Vermont independent who is chairman of the Senate Environment and Public Works Committee, to order an extensive investigation of Mr. Schregardus's tenure.

The senator, who had earlier supported Mr. Schregardus's nomination because he believed that the president should have the team he wanted, said the review would take a very long time, sending a clear signal that the committee was not going to move the nomination forward. While the committee had approved Mr. Schregardus's nomination in August, a procedural snag sent it back to committee this month.

Mr. Schregardus declined to comment today.

Officials said that he recognized that his nomination was in trouble before last Tuesday's attacks on the World Trade Center and the Pentagon but that the attacks had made it less likely that the White

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House would expend any political capital on the matter, when it had not put much effort into it in the first place.

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"He saw the handwriting on the wall," one Congressional aide said.

Mr. Schregardus is the 16th of Mr. Bush's nominations to be withdrawn. As of last Friday, 235 people had been confirmed and 15 had withdrawn, including Linda Chavez as secretary of labor and Mel Sembler as president of the Export-Import Bank, according to a tabulation by the Brookings Institution. Only one nominee, Mary Gall, whom Mr. Bush wanted as head of the Consumer Product Safety Commission, has been rejected by the Senate.

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In late August, Christie Whitman, the administrator of the Environmental Protection Agency, wrote senators a letter asking them to ignore the reports of problems with Mr. Schregardus's tenure and to focus on his successes. But after the Senate reconvened this month, Senator George V. Voinovich, the Ohio Republican who as governor had appointed Mr. Schregardus, blamed the administration for not doing enough to promote his nomination.

Environmental groups, eager to support the administration in the wake of last week's terrorism, had a low-key response.

"We commend Mr. Schregardus for his decision to withdraw," said Maria Weidener of the Earthjustice Legal Defense Fund. "It is the right decision. We hope that the next person nominated to this position by the administration has a record of vigorously enforcing environmental laws."

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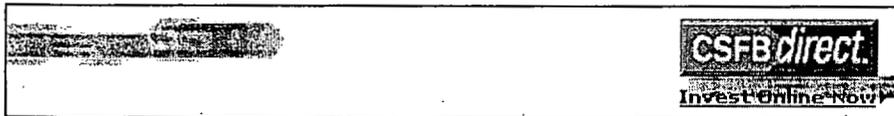
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