



ASTSWMO, Providing Pathways to Our
Nation's Environmental Stewardship Since 1974

April 21, 2017

Senator Lisa Murkowski
Chair, Committee on Appropriations
Subcommittee on Interior, Environment & Related Agencies
Room S-128, U.S. Capitol
Washington, DC 20510

Senator Tom Udall
Ranking Member, Committee on Appropriations
Subcommittee on Interior, Environment & Related Agencies
Room S-128, U.S. Capitol
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Udall:

The Association of State and Territorial Solid Waste Management Officials ([ASTSWMO](#)) is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State program experts with individual responsibility for the regulation or management of waste and materials management, and environmental restoration. Given the importance of the State-Federal co-regulator partnership in protecting the public health and the environment, we must stress the importance of protecting the critical funding to the State and Territorial land and restoration programs. According to the Environmental Council of the States (ECOS), States implement 96% of the delegable programs under the major environmental laws including the Hazardous Waste, Solid Waste, Brownfields, Non-NPL Superfund and the Underground Storage Tank (UST) Compliance and Remediation programs (Tanks). Protection of public health and the environment would be severely impacted should the President's proposed budget be approved. The EPA Chief Financial Officer's memo on Major Policy and Final Resource Decisions to Meet the President's FY 2018 Budget (Memo) outlines the cuts to these programs and the impacts these cuts will have to our members are summarized below.

Brownfields

Brownfield redevelopment plays an important role in addressing our country's ailing infrastructure and land revitalization. Redevelopment of brownfields reuses existing roads, bridges, water treatment plants and other infrastructure elements resulting in savings in development costs and the need to build new infrastructure that also requires maintenance. Funding, expertise and resources at the State, federal and local levels of government allow those redeveloping brownfields to leverage funding in the redevelopment of Brownfields.

Impacts:

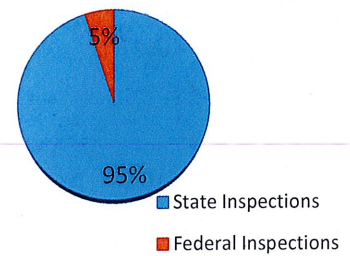
- Will result in sudden and significant cuts to the money coming to the States that can and would cripple State programs, and if State programs cannot remain responsive, community revitalization would suffer, resulting in negative effects on the local economy and the loss of jobs.
- Will result in States scaling back assistance to urban and rural local governments, community officials and others to assist with technical support, environmental assessments and project guidance.

Hazardous Waste

The Solid Waste Disposal Act, Section 3011(a)&(c), Public Law 94-580, 42 U.S.C 6901 authorizes EPA to assist State governments in the development and implementation of an authorized hazardous waste (HW) management program for the purpose of controlling the generation, transportation, treatment, storage and disposal of hazardous wastes. States conduct 95% of the hazardous waste inspections across the country. The proposed cuts to the FY17 and FY18

budgets would mean that States would have to significantly reduce the number of compliance inspections at large quantity (LQG), small quantity (SQG) hazardous waste generators, and hazardous waste treatment, storage and disposal facilities (TSDs). The elimination of federal support to the States would result in the diminishment of State HW programs to conduct mission critical work, putting State authorization at risk. This could potentially lead to mismanagement of hazardous waste and used oil, as well as increased potential for releases to the environment. These releases could then take additional State or federal resources to address this contamination, and those costs are usually more substantial than the costs associated with proper management of the waste.

2014 Number of RCRA Inspections by Universe



Impacts:

- Will result in a drastic decrease in the number of inspections.
- Will decrease permit activities, encompassing permit issuance, permit modifications, and permit renewals.
- Will result in a drastic decrease in compliance assistance/training outreach to communities and industries.
- Will result in a reduction of an average of between 6-9 FTEs by each State of inspectors, engineers, geologists, and risk assessors.
- Will result in a return of programs back to EPA.

Superfund

State agencies play a critical role in implementing the nation’s Superfund program and are responsible for performing elements of site cleanups across this country. Cutting management assistance grants to States by 33% would result in agencies cutting or stopping work on a large portion of National Priority List (NPL) fund lead sites. This could increase State workload in this program two-fold. Reduced funding does not cover the current workload and would be completely over-run by any increase of sites in this program due to cuts to other programs like Hazardous Waste and State Cleanup programs. This would make it difficult to do anything beyond desktop work.

Impacts:

- Will result in potentially contaminated sites going undiscovered increasing risks to the public.
- Will eliminate the ability to identify unacceptable risks that can be addressed by State response programs.
- Will result in a reduction of an average of 4 FTEs lost by each State and stopping work on an average of 9 sites per State.

Overall our members indicated that they do not have the resources to step in and perform work that EPA would have funded. Funding cuts would hurt members’ coordination efforts on emergency response such as spills, fires, and other emergency efforts related to public health and the environment. Critical State involvement in Remedial Action (RA) projects would slow down or stop altogether depending on the level of cuts. Superfund remedial dollars pay for State contractors who perform sampling, chemical analysis, and field work. Cutting this funding to States would have an adverse impact to local contractors and jobs. States would also have to reduce or eliminate site discovery and pre-remedial work due to lack of funding for FTE.

Tanks

The EPA Chief Financial Officer’s Memo also calls for elimination of EPA’s LUST Prevention Program and a 20% reduction to the LUST CA (cleanup) Program. U.S. Code, Title 42, Chapter 82, Subchapter IX authorizes State approval by the U.S. EPA. The elimination of federal support to the States would result in the diminishment of State UST programs to conduct mission critical work, putting State authorization at risk. Mission critical work is defined as those fundamental components that are intrinsic to Tank program operation. Failure to do this work would likely result in greater petroleum releases from USTs that would lead to future groundwater contamination and other threats to public health and the environment. Not investing in prevention and cleanup costs today will likely result in increased costs in the future. For example, the costs of replacing a contaminated drinking water source are many times greater than the costs to prevent the release. The UST compliance program has made great strides in increasing the number of compliant tanks in the last 25 years, which has resulted in fewer releases. Loss of program funding would reverse this trend. The tanks program relies on a strong State and federal partnership. Many States would likely divest from this program if there was a loss of federal commitment.

Impacts:

- Will result in potential future increase of groundwater contamination and other threats to public health.
- Will result in a decrease of inspection frequency due to staffing reductions and lack of resources to maintain the three-year inspection cycle, which will result in an increase in UST releases, and fewer cleanups completed.
- Will result in the reduction or elimination of mission critical work. We refer you to the report, [ASTSWMO Development and Implementation of State Tanks Core Programs, June 2014](#), for more information.
- States cannot absorb the elimination of federal funding without significant loss in their ability to operate a fully integrated functioning program that in addition to protecting human health is also very effective in returning LUST sites back into productive use (e.g., pharmacies, restaurants and retail stores). Such uses then supports local economies and provides services to many rural communities. ([Redevelopment Successes at Petroleum Underground Storage Tanks Sites](#)).
- With the proposed cuts, an average of 4.8 FTE would be lost by each State, with one State responding a high of 15 FTE lost if the Tanks program funding were to be eliminated. An average of at least 2 FTE would be lost for small programs. Some of the small programs only have 4 staff, meaning a 50% reduction.

Waste Minimization & Recycling

The EPA Chief Financial Officer's Memo calls for elimination of EPA's Sustainable Materials Management program. This action would curtail a program that collects information that is relied upon by States, industry, and local government to understand solid waste recycling and disposal. The information is used to set State and local environmental targets, to shape municipal contracts for environmental service, and to benchmark corporate sustainability progress. The WARM tool and associated reports detailing the environmental impacts of waste handling options and their respective costs allow local governments and the manufacturing community to identify the most cost effective ways to manage waste and to contract for waste service. States rely upon the information to benchmark waste reduction and diversion goals. The data itself, and EPA's associated educational programs, bring transparency and efficiency to recyclable commodity markets.

As our members have indicated, protection of public health and the environment would be severely impacted as would local hiring should the President's proposed budget be approved. Overall our members do not have the resources to provide funding to cover this steep cut from EPA, and a reduction in services could result in an economic impact on the business community. These cuts would undercut States' ability to meaningfully participate in a cooperative federalism dialogue. We request that the approved budget contain no rescissions or elimination of the State-Tribal Assistance Grants (STAG) for LUST and Hazardous Waste. States cannot absorb the elimination of federal funding without significant loss in their ability to operate fully integrated functioning environmental programs.

As State regulators, our members live, work, and play where program authority is applied and they not only have professional and ethical interests, but are morally vested in our land and communities. Even during these tough budgetary times, they remain dedicated to continuing to do the work that is necessary to protect public health and the environment.

We look forward to continuing discussions about funding and the co-regulator partnership between States and EPA. Should you have any additional questions, please contact me at 202-640-1061 or daniar@astswmo.org.

Respectfully,



Dania Rodriguez
ASTSWMO Executive Director

cc: Barry Breen, U.S. Environmental Protection Agency
Alexandra Dunn, ECOS Executive Director
ASTSWMO Board of Directors