

Summary of Early Engagement with our Partners for the FY 2022-2023 OLEM National Program Guidance

November 13, 2020

Process for Soliciting Early Input

In August 2020, OLEM’s Assistant Administrator initiated early engagement with our partners by notifying state, tribal and local government partners of OLEM’s approach to discussing priorities for FY 2022-2023. Within these email communications, OLEM briefly described the process by which it would seek input from its partners and included a list of meetings when priorities would be discussed. The communication also included a link to OLEM’s FY 2020-2021 National Program Guidance (NPG) as the basis for our thinking as we consider priorities for FY 2022 and beyond.

During the early engagement period, OLEM program offices held conference calls and web-based meetings with state, tribal and local partners to discuss priorities and other important issues. Written comments also were received. The results of OLEM’s early engagement process are summarized below.

Date(s)	Venue	Priorities/ Issues Raised by State, Tribal or Local Partner
6/4/20 7/23/20 8/19/20	Virtual Corrective Action Stakeholder Outreach Meetings and Roundtables with ASTSWMO and States	Discussed stakeholder input to development of RCRA Corrective Action 2030 Vision/Mission/ Goals. Priorities included: Adjusting universe of facilities in the cleanup pipeline Long term stewardship for cleanups Effective and efficient cleanup, including addressing emerging science issues, off-site receptors, and operating facilities Measures, commitments, and priorities
7/29/20 8/19/20	Virtual Corrective Action Tribal Partner Outreach Meetings and Roundtables	Discussed tribal input to development of RCRA Corrective Action 2030 Vision/Mission/Goals. Priorities included: Involve tribes early and throughout the cleanup process, including remedy selection

		<p>Focus on human health and the environment</p> <p>Utilize tribal members for cultural resource monitoring</p>
8/4/20	Monthly ASTSWMO Tanks Subcommittee Conference Call	<p>Emerging fuels</p> <p>Investing in new UST infrastructure helps identify past problems and prepare systems for new fuels</p> <p>COVID related budget impacts will be significant; federal funding essential</p>
8/12/20 8/19/20	Virtual Corrective Action Stakeholder Outreach Meetings and Roundtables with the Local Government Advisory Committee Revitalizing Communities Workgroup	<p>Discussed stakeholder input to development of RCRA Corrective Action 2030 Vision/Mission/Goals. Priorities included:</p> <p>Focus on human health and the environment</p> <p>Addressing off-site contamination</p> <p>Effective engagement and involvement</p>
August 17-20, 2020	Tribal Lands and Environmental Forum Virtual Gathering	<p>Identify all tribes that have an OLEM-recognized emergency response program and create a contact list so tribes can communicate with each other</p> <p>Prioritize prevention of releases by increasing the number of AST inspections, either by EPA or federally credentialed tribal inspectors</p> <p>EPA personnel should participate in regional FEMA exercises, and work with tribal colleagues to foster cross-agency cooperation and communication</p> <p>Facilitate tribal use of National Response Center communications and outreach tools at national and local levels</p>
8/25/20	Monthly Regional UST Program Manager Call	<p>Priorities included getting our records digital, updating databases, increasing compliance rates in Indian country, finalizing state regulations, SPA, severe weather impacts/resiliency, alternative fuels, high non-compliance at marinas, recruitment/retention of UST personnel, and using brownfields and other sources to assist with cleanup</p>
9/2/2020	ASTSWMO Federal Facilities	<p>Monitor long-term remedies and ensure they remain protective</p>

	Subcommittee Conference Call	<p>Ensure ARARs are identified and implemented</p> <p>Work collaboratively with state and federal agencies to address contaminants of emerging concern, including perchlorate, PFAS, and 1,4-dioxane</p> <p>Participate in the implementation of the Military Munitions Response Program (MMRP)</p>
9/16/20	Tribal and EPA UST Contacts Call	None
9/10/20	Tribal Waste and Response Steering Committee Bi-monthly Call	<p>EPA should acknowledge the enormous stressors (economic, resource, emotional, etc.) that tribes are experiencing as a result of COVID19. These stressors may have repercussions in tribal environmental programs for several years and EPA should ensure the NPG provides flexibilities that consider and reflect this reality</p> <p>Cost matches can be difficult for tribes to implement, especially during COVID19 (and may continue for years)</p> <p>Expand opportunities for brownfields work in Indian country</p> <p>EPA Region 7 engagement with tribes on USTs (monthly calls to discuss compliance) could be a model for other regions working to improve Indian country compliance with tank regulations</p> <p>Ensure tribes are included and tribal issues/experiences considered in the National Recycling Framework</p> <p>Tribes will have high interest in the stated work of the new Office of Mountains, Deserts and Plains; EPA should ensure tribes are included in any new sections for that office</p> <p>Continue to build capacity for tribes to take on assessment and cleanup work at Superfund sites</p> <p>Ensure tribes are considered in the permitting process at specific sites of interest (for example, permitting to reopen Stibnite Mine)</p>
10/8/2020	OLEM/ECOS Early Engagement Call	<p>Importance of continued adequate and flexible federal funding</p> <p>Member state hired Environmental Justice (EJ) coordinator to integrate EJ throughout their programs and asked how to further these efforts with federal partners under limited budgets</p>

		<p>Anticipate additional brownfields due to increased bankruptcies related to the coronavirus pandemic; state resources also may be constrained due to increased focus on PFAS</p> <p>Microplastics in water has its origin as a waste issue. Recycling is a priority – becoming more pressing, as time goes on</p>
10/20/20	ASTSWMO Remedial Action Focus Group	<p>[Summary of written comments upon reviewing the FY 2020-2021 OLEM NPG]</p> <p>Current document states that 255 additional Superfund sites RAU site-wide, additional information could be provided on how that long-term goal or specific number was obtained</p> <p>Consider role of EPA Environmental Justice program in supporting communities or providing information and resources on site clean-up</p> <p>Leverage and integrate new technology: incorporating information on the TRIAD approach</p> <p>Agree that top priorities are protecting human health and the environment and cleaning up sites</p> <p>Consider including states in identifying work-sharing opportunities along with EPA HQ and regions</p> <p>Under the Strengthen Partnerships and Community Engagement heading, suggest adding an objective to review the 2019 memo regarding <i>EPA and State Cooperative Efforts at Superfund Sites</i> and then further develop new strategies to strengthen partnerships with states</p> <p>In reference to the direction under the States and Tribes marker, “Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate,” there are more aspects of state involvement that should be strengthened. This is a statement on what is asked of the states and tribes regarding participation, but in turn the National Program Guidance should showcase the partnership and role the state have under CERCLA and how EPA will help foster that</p>
10/20/20	ASTSWMO Investigation and Remedy Selection Focus Group	<p>[Summary of written comments upon reviewing the FY 2020-2021 OLEM NPG]</p> <p>Page 7 bullet currently states:</p>

		<p>Continue to foster strong partnerships with states, tribes, local governments, and other federal agencies on site assessment, risk assessment, remedial responses, community engagement and revitalization</p> <p>Proposed change: Continue to foster strong partnerships with states, tribes, local governments, and other federal agencies on site prioritization, site assessment, risk assessment, remedial responses, regulatory requirements, community engagement and revitalization.</p>
10/20/20	ASTSWMO CERCLA Post Construction Focus Group	<p>[Summary of written comments upon reviewing the FY 2020-2021 OLEM NPG]</p> <p>Our state’s Federal Project Unit periodically meets (at a minimum annually) with the EPA Region to discuss all projects. This is a great way to sort out any misunderstandings and to align on our positions to move projects forward. Additionally, we hold regular meetings with EPA and, as a result, are fully engaged on issues and improvements</p>
10/26/20	ASTSWMO Annual Meeting	None

Next Steps

OLEM and the EPA regional offices will consider the early input received from state, tribal and local partners in developing the FY 2022-2023 National Program Guidance.