

Summary of Early Engagement with our Partners for the FY 2025-2026 OLEM National Program Guidance

Process for Soliciting Early Input

Between July and October 2023, OLEM conducted outreach to its partners to inform the FY 2025-2026 OLEM National Program Guidance development. During this time, OLEM program offices held conference calls and web-based meetings with state, Tribal and local partners to discuss priorities and other important issues. The early input that OLEM’s partners provided during this period is highlighted below.

Name of Organization	Venue	Date
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	Monthly ASTSWMO Tanks Subcommittee Conference Call	8/1/23
Tribal Waste and Response Steering Committee	Bi-monthly conference call	9/8/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO Investigation and Remedy Selection Focus Group	9/18/23, 10/16/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO Remedial Action Focus Group	9/18/23, 10/16/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO Post Construction Focus Group	9/21/23, 10/21/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO Site Assessment Focus Group	9/21/23, 10/21/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO Federal Facilities Subcommittee Conference Call	10/4/23
Tribal government, Tribal consortia, and U.S. EPA UST program contacts	Tri-Annual Tribal EPA UST Teleconference	10/12/23
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	ASTSWMO 2023 Annual Meeting	10/26/23 – 10/27/23

Highlights of Early Input from States, Tribes and Associations

Tribal Concerns

- OLEM should refer to the Tribal Waste and Response Steering Committee’s 2023 Priorities Document for recommendations on addressing unique needs to Tribes
- Tribes face environmental justice issues but also have a right to environmental self-determination.
- Interested in learning more about how OLEM addresses environmental justice during Tribal consultations
- Challenges exist involving self-determination and/or self-governance on checker-boarded lands

Brownfields

- Consider information sharing about site eligibility (pre grant application cycle). Outreach to property owners and developers to “spread the word” on the sites and parties (responsible parties excluded) that are fund eligible.
- Consider Brownfields as a link between other regulatory programs. Support training for EPA and state Brownfields staff, recognizing that Brownfield projects don’t “stay in a single lane...” Brownfields projects and staff are often a point of connection for other issues, including: EJ, wetlands, municipal zoning, lead & asbestos waste management, building demolition and C&D disposal, etc.
- Consider training for improving community outreach. There are great examples out there, and we should share the lessons learned so EPA and state Brownfields staff don’t have to reinvent the wheel each time.

RCRA Waste Minimization and Recycling

- All levels of government, the private sector, academia, and nongovernmental organizations are seeing the value of sustainable materials management as a strategy to help reduce carbon pollution and other environmental stressors, increase equity and community resilience, and grow the economy.
- The Environmental Council of the States (ECOS) will continue to emphasize the importance of market-based and customized solutions in each state so that we maximize landfill diversion and ensure materials continue to have productive economic use and looks forward to working with U.S. EPA in this area.

Underground Storage Tanks

- Evaluate trends in the industry (such as move to electric vehicles, aging tanks, etc.) and the impact on the sustainability of state financial assurance funds.

Federal Facilities

These are priorities/ issues that our partners asked OLEM to consider addressing in its guidance:

- Applicable or Relevant and Appropriate Requirements (ARARs) - Uniform Environmental Covenants Act (UECA) and other state land use statutes; failure to address ARARs in removal actions; and risk range
- Formerly Used Defense Sites (FUDS) - Failure to accept state ARARs; right of entry issues; failure to implement institutional controls; and issues with federal land managers; assistance with advancing FUDs potentially responsible party (PRP) projects
- Contaminants of Emerging Concern, including PFAS
- Munitions Response - Risk management; Unlimited Use/Unrestricted Exposure determinations
- Removal Actions - Issues with DoD not incorporating state ARARs; what is the standard for the “extent practicable considering the exigencies of the situation” per 40 CFR 300.415(j); documentation for those not practicable
- Long-term stewardship
- RCRA/CERCLA integration
- Climate change vulnerability assessment/ adaptation
- Environmental Justice

General Comments for Consideration across EPA Programs

- Measures should reflect environmental outcomes, as opposed to outputs, and should include metrics for evaluating incremental progress towards these goals, when possible
- Commit to early, frequent, and substantive engagement with states as environmental co-regulators
- Support establishment of electronic collaborative forums between regions and states that can be used to develop and negotiate grant workplans
- Take a holistic approach to data collection, considering potential new information needed alongside what reporting may no longer be needed; reduce duplicative reporting
- Support increased federal funding for states through categorical grants and allow funding flexibility to carry out delegated/authorized/primacy federal programs

- Follow the principles of the [E-Enterprise for the Environment Digital Strategy](#) when planning and prioritizing investments in data modernization and technology
- Prioritize activities to ensure the development and delivery of training and technical assistance for state agencies, consistent with [ECOS Resolution 18-12](#); engage state agencies to identify priority training topics and effective learning mechanisms

Next Steps

OLEM and the EPA regional offices will consider the early input received from state, Tribal and local partners in developing the FY 2025-2026 National Program Guidance.