

March 26, 2002


Mr. John Paul Woodley, Jr.
Assistant Deputy Under Secretary of Defense (Environment)
Room 3E787
3400 Pentagon
Washington, DC 20301-3400

Dear Mr. Woodley:

On January 14, 2002 the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Board of Directors reviewed and endorsed the December 20, 2001 charter developed by the Munitions Response Committee (MRC) composed of State organizations (ASTSWMO, ECOS, ITRC, NAAG), EPA, and DOD.

The Board welcomed the development of a collaborative, decision-making process for munitions response actions, which acknowledges State authority. We look forward to working closely with the MRC and Col. John Selstrom in developing the process for States' review and approval of adequacy of munitions response actions, and in achieving the other outcomes outlined in the charter.

Sincerely,


Mark F. Giesfeldt
ASTSMWO President

Cc: Stan Phillippe, CA
Jennifer Roberts, AK
Howard Roitman, CO
Jeff Edson, CO
Clarence Smith, IL
Jim Woolford, EPA
Paul Cotter, NAAG



CHARTER DoD-EPA-States MUNITIONS RESPONSE COMMITTEE

Operating within the framework of existing Federal and State authorities, the Committee will coordinate, identify and synchronize efforts among the Office of the Secretary of Defense (OSD), the Military Services, the U.S. Environmental Protection Agency, and the States to ensure munitions responses for locations on other than operational ranges are conducted in a manner that protects public health and the environment while allowing the military to fulfill its mission.

In some cases, disputes regarding the respective authorities of states, DoD and EPA have hindered munitions response actions. To overcome these problems, the Committee is committed to develop collaborative decision-making processes for munitions response actions as outlined in the desired outcomes section of this charter.

The Committee will strive to achieve consensus on policy and technical recommendations for consideration by DoD, EPA, and States. The Committee recognizes the need for appropriate additional governmental and non-governmental stakeholder involvement.

PARTICIPATION

STATES:

- Environmental Council of States (ECOS)-Commissioner level oversight, representatives will report actions, progress, and challenges back to ECOS-DoD Forum.
- Association of State and Territorial Solid Waste Management Officials (ASTSWMO)-State managers responsible for policy development and implementation. The ASTSWMO Federal Facility Research Sub-committee members and a limited number of support States will draft policy and process for review and comment of all state members.
- National Association of Attorneys General (NAAG)-responsible for legal representation and counsel to States.
- Interstate Technology and Regulatory Cooperation-provides States with a forum for development of technical guidance, training, and support.

ENVIRONMENTAL PROTECTION AGENCY

- Federal Facility Restoration and Reuse Office (FFRRO)
- Federal Facility Enforcement Office (FFEO)
- Regional Offices

DEPARTMENT OF DEFENSE

- Office of the Secretary of Defense
 - Deputy Under Secretary of Defense of Installations and Environment (I&E)
 - Department of Defense Explosives Safety Board (DDESB)

- Operational and Environmental Executive Steering Committee for Munitions (OEESCM)
- Legal Representative
- Department of the Army
 - Office of the Deputy Assistant Secretary of the Army (Environment, Safety & Occupational Health)
 - Army Staff
 - Army Corps of Engineers
- Department of the Navy
 - Office of the Deputy Assistant Secretary of the Navy (Environment)
 - Navy Staff
 - Marine Staff
- Department of the Air Force
 - Office of the Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health)
 - Air Staff
 - Air Force Base Conversion Agency

OTHERS: The Committee will develop procedures to include representation from other appropriate Federal Agencies¹ and from Tribes² and local governments.

DESIRED OUTCOMES:

- Collaborative decision-making processes that are acceptable to all parties. When agreed to, these collaborative processes will:
 - Afford, subject to the processes developed for dispute resolution and reservations of rights, the states the opportunity to review and approve the adequacy of munitions response actions.
 - Be endorsed for universal adoption by the Federal agencies and the state organizations represented on this committee.
- Ensure protectiveness of response actions
 - Protect response personnel, the public, and the environment from explosives hazards and other risks during response actions
 - Ensure safe cleanup levels for public health and environment
 - Develop methods that address —
 - DoD's come-back commitment
 - Institutional controls
 - Consideration of future land use³
- Promote consistency in approach across States, EPA, and Military Services regarding:

¹ DoD will invite a representative from the Department of Agriculture and a representative from the Department of the Interior to be members of the Committee.

² DoD will invite impacted tribes to participate in the Committee – and when doing so will ask them to consider focused representation and use of the National Congress of American Indians to facilitate information sharing.

³ Includes groundwater use

- Procedures and methods for investigation and subsequent response actions
 - Methods for prioritizing response actions
- Address complexity and scope of cleanup challenges
 - Provide for policy and technical guidance for improving munitions response actions.
 - Foster development and validation of improved technologies
 - Seek adequate funding for protective response actions
- Provide Munitions Response lessons learned to appropriate forums for consideration