

Environmental Steering Committee

Meeting Minutes
February 14, 2005

Opening:

The regular meeting of the Environmental Steering Committee (ESC) was called to order at 1:00 pm (EST) on February 14, 2005 by James Biasco, Chair.

Present:

Steve Aoyama

Dennis Barber (alternate for Keith Shortall)

James Biasco, Chair

Gordon Delchamps

Roger DeRoos

Gary Gefroh

Ron Klem

Kathy Mercure, Aberdeen Area representative

Peter Nachod, coordinator

Doug Ott

John Smart

NOTE: voting members are shown in bold type.

A. Old Business

PSD Project Review, Prioritization and Funding Recommendation

- A total of twelve (12) Environmental Remediation were submitted, received and reviewed by the ESC for the second round of projects requested by the ESC.
- Each PSD was reviewed by the ESC in detail.
- **ACTION ITEM:** The ESC recommended **funding** the following five (5) Environmental Remediation Fund PSD proposals:
 - Alaska – Y-K Phase VII-A Asbestos Remediation - \$53,000
 - Alaska – Y-K Phase VII-B Asbestos Remediation - \$48,000
 - Navajo – Ft. Defiance Environmental Remediation Project - \$56,000 (\$21,000 Environmental Remediation - \$35,000 Demolition)
 - Navajo – Old Window Rock LBD and Asbestos Abatement - \$113,000
NOTE: The ESC issued a pending approval upon submission of a more detailed cost proposal. A referenced cost proposal from contractor was not included with original PSD submission. Project will be funded once this is received in HQ-DFO.
 - Phoenix – Area wide abatement and encapsulation project - \$130,000

- **ACTION ITEM:** The ESC requested that each respective Area provide clarification on the following seven (7) Environmental Remediation Fund PSD proposals. Once clarification is submitted to the ESC, voting will take place via e-mail on funding these projects.
 - Six (6) Aberdeen PSD project proposals – The ESC requested that Aberdeen Area combine these six (6) project proposals into two (2) project proposals. The two (2) project proposals at Ft. Berthold should be combined into one, while the four (4) project proposals at Cheyenne should be combined into another. Several members of the committee felt that these six (6) PSD proposals were incomplete and needed some additional work prior to being initially submitted to the ESC. Some of the items needing attention include: approval signatures, further discussion of background and justification for each of the project sites, and interpretation of lead results.
 - Navajo – Shiprock Bldgs SR-2021 & SR-2022 - \$240,000
NOTE: The ESC requested that Navajo submit a more detailed cost proposal showing how the project costs were arrived at. The committee felt that No exhibits were attached with the initial PSD submittal. Once received in HQ and detailed cost proposal of project is determined feasible, the ESC will vote via e-mail to determine if this project will receive funding.

B. New Business

Environmental Remediation Policy Issues

- Jim Biasco stated that there are two issues at hand which the Steering Committee needs to discuss and ultimately formulate a policy for.
- These two (2) issues are:
 - Remediation vs. Manage-in-Place – The Steering Committee needs to assess and provide guidance to the Areas on when they should remediate or manage-in-place items such as asbestos, lead-based paint, etc.

A recap of comments and thoughts from various committee members follows. These comments/thoughts are that of committee members and NOT the official stance of the Steering Committee:

- Felt that Gary Gefroh’s discussion held in the last Facility Manager’s meeting in Las Vegas with the SCM matrix was something that we might want to consider in developing as a basis for remediation vs. Manage-in-place.
- Steering committee might not want to develop policy; to our knowledge, HHS does not have a policy on this issue. As a committee, it was suggested that we develop informal guidance on how this issue is handled.

- There is a difference between policy and guidance.
 - When remediating, there was discussion of “how clean is clean” thresholds, relative to when a remediation effort would be considered complete.
 - Committee should also consider how legal input to decision making might be addressed. One option discussed was to seek update of the 1990 legal opinion handed out prior to the meeting.
 - A vote took place on the question of “Should the Steering Committee develop a white paper/guidance for the Area/field to make decisions involving Remediation or Manage-in-Place?” The committee voted unanimously YES (8 yes – 0 no). A workgroup consisting of Gary Gefroh, Ron Klem, John Smart, Steve Aoyama and Roger DeRoos will begin working on this guidance. Gary Gefroh will take the lead and Roger DeRoos will provide support.
- Abatement/Renovation/Replacement – Which do you do and when, the Steering Committee needs to try and formulate guidance on how an Area determines whether to abate, renovate or replace.

A recap of comments and thoughts from various committee members follows. These comments/thoughts are that of committee members and NOT the official stance of the Steering Committee:

- When abatement is to be performed, should Environmental Remediation funds be used for the replacement cost of materials?
- We need to look at the language of the congressional committee and what their specific intent was.
- I see this as removal and replacement, two separate parts.
- These types of activities need to be a partnership with the Area.
- From a historical perspective, the Steering Committee has only provided support for the remediation portion of projects..
- This needs to be formalized through official guidance from the Steering Committee.

A vote was conducted on the following position “**The Environmental Remediation funds shall only be used for removal of hazardous materials and NOT for the replacement cost**”. The committee voted unanimously YES (8 yes – 0 no) on this stance for the environmental remediation funds and their use towards abatement/replacement costs. The Steering Committee shall develop a statement which says that the Committee will support, with Environmental Remediation funds, the removal/disposal of the hazard; the Area will be assuming all additional renovation costs.

- Dennis Barber posed a question and request for the Steering Committee to review, evaluate and provide guidance for decisions regarding Tribal entities which desire or seek to take ownership of a Federal facility which is slated for demolition.

One of the questions which should be addressed: Can Environmental Remediation Funds, equivalent in amount to the Demolition funds which would be provided for demolition of the Federal facility, be instead offered to the Tribe for renovation of the facility? Under this arrangement, any additional costs exceeding the amount of the offered funds would be the responsibility of the Tribe. The Remediation cost and work would be paid for with Environmental Remediation funds and the work would be performed by the IHS in either case.

A recap of comments and thoughts from various committee members on this question follows. These comments/thoughts are that of committee members and NOT the official stance of the Steering Committee:

- The funds cannot be used for this.
- It seems the intent of this funding is not meant to make a facility slated for demolition into a renovated facility for the Tribe.
- In the big picture, IHS would not want to assume the liability of these facilities in T5 ownership.
- If we give a T5 Tribe the Environmental Remediation funds and demolition funds, are we relieved of liability?
- Does the IHS have policy on the encouragement of Tribe's to accept property which might have environmental deficiencies from other organizations?
- DHHS policy is that we shall NOT accept any building/facility from anyone unless it is clean and there are zero problems. (NOTE: Peter will locate this and e-mail to all members with meeting minutes)

A vote was taken on whether the Steering Committee felt that the funds should be used in this manner (provided to the Tribes for renovation of a scheduled demolition). The Steering Committee voted with a majority NO (3 yes, 5 no). Jim Biasco requested that Dennis take the lead on developing a point paper addressing this matter, with the assistance of Gordon Delchamps and Ron Klem.

C. Date and Agenda for Next Meeting

The next Environmental Steering Committee meeting has not yet been scheduled. Once a meeting is determined necessary, a date will be determined and an agenda will be developed and distributed to all members.

Adjournment:

James Biasco adjourned meeting at 2:57 pm (EST).

Minutes submitted by: Peter T. Nachod

Approved by: James R. Biasco