

# Federal Facilities Issues Paper: May 2020 Association of State and Territorial Solid Waste Management Officials Report



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

05/14/2020

The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) issued a document titled:

*Federal Facilities Issues Paper (“Paper”)*

The May 2020 Final Report was prepared by ASTSWMO’s Federal Facilities Subcommittee of the Remediation and Reuse Focus Group.

Blake Whittle of the Arkansas Department of Energy and Environment – Division of Environmental Quality was one of the participants in developing the report as Vice-Chair of the organization’s Federal Facilities Subcommittee.

The focus of the *Paper* are the environmental compliance and remediation activities at active, closed, and transferred federal facilities. The *Paper* states that the organization has traditionally supported the efforts of states and territories to implement state and federal waste management requirements on such facilities that are located within their jurisdiction. Issues previously addressed on the subject include:

- States’ environmental rights and responsibilities related to federal facilities/sovereign immunity
- Necessity for ASTSWMO to define its position relevant to environmental restoration and waste management at federal facilities

The *Paper* includes recommendations such as:

- Continued adoption and implementation of the findings of a 1996 ASTSWMO Federal Facilities Environmental Restoration Dialogue in the environmental restoration of all facilities
- Federal agencies, when practicable, develop consensus policy recommendations to improve the process by which environmental decisions are made so that they reflect the priorities and concerns of all stakeholders
- State and federal agencies recognize current Environmental Council of the States Resolutions relevant to federal facility cleanups

Components of the *Paper* include:

- Applicable or relevant and Appropriate Requirements
- Contaminants of Emerging Concern
- Military Munitions Response Program

- Formerly Used Defense Sites Program
- Long-Term Stewardship
- Performance-Based Contracting

A copy of the *Paper* can be downloaded [here](#).