

April 16, 2002

The Honorable W.J. "Billy" Tauzin
Chairman
The Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable John D. Dingell
Ranking Minority Member
The Committee on Energy and
Commerce
2322 Rayburn House Office Building
Washington, DC 20515-6115

Dear Messrs:

It is our understanding that there is an emerging Department of Defense proposal for modification of a number of basic environmental statutes designed to provide relief from certain requirements in order to facilitate military training. The purpose of this letter is to request the assistance of the leadership of the House Energy and Commerce Committee in ensuring that there is a thorough review of this proposal by each Congressional committee with jurisdiction over these environmental statutes. By a thorough review we mean legislative hearings with opportunity for testimony by knowledgeable, expert witnesses representing all sides of the debate, who can assist the Congress in assessing the trade-offs and costs of the proposal.

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a non-profit, non-partisan organization made up of State employees who are responsible for the hazardous waste, solid waste, cleanup and remediation, and underground storage tanks programs of the States and Territories of the U.S. Our members generally have engineering and science backgrounds, and implement both delegated federal waste and cleanup programs, as well as parallel State programs. They have hundreds of years of collective experience in expert program implementation and believe it is their obligation to share their professional views with members of Congress with the responsibility for decisions affecting our national environmental statutory framework.

We have examined an early draft of the "Sustainable Defense Readiness and Environmental Protection Act" (SDREPA) that we understand to be under development by DoD. Insofar as it addresses the hazardous waste regulatory and cleanup implications of the Resource Conservation Recovery Act/Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act, we have substantial concerns with the current wording. Understanding the motivations of the drafters to seek greater flexibility for military training, we believe that it provides insufficient protections for citizens and the environment following

implementation of these requested relief provisions. Our central point is that fundamental changes like these should not be made with a legislative vehicle developed by and for defense authorizations or appropriations.

We view this proposal from the historical perspective that past military operations have left a legacy of contamination that will take billions of dollars and several decades to deal with. Consequently, we are very reluctant to amend sound environmental statutes in ways that could open the door to new releases to the environment. In the past DoD has continually maintained that it has seen compliance and protection of natural resources as part of its national security mission, but it is difficult to reconcile these kinds of fundamental and far reaching changes to environmental statutes with those representations. Our experience is that delaying cleanup and compliance with hazardous waste laws only increases the eventual cost and difficulty of cleanups. We took DoD's promise of its intent to become a model of environmental compliance seriously, and we think that any changes made to enhance military readiness must be accomplished without damage to that goal.

Statutory change that will affect environmental impacts on populations and the environment should be made in the same environmental arena where those statutes were created and debated. For that reason, we urge you to exercise your jurisdiction over these proposed modifications, conduct hearings, take diverse testimony, and make the final judgements about the efficacy of these changes with full input, debate and understanding of their long-term effects on the country. Like all good citizens, we too want to see military training enhanced and improved, and we are willing to subject our analysis and suggested adjustments to the full range of public dialogue. We believe the potential consequences of this legislation are of such significance that all parties should be willing to undergo this same scrutiny.

We are confident that with full analysis and debate, appropriate modifications can be found and made to allow attainment of maximum force readiness without long-term cost to the nation's environment and the safety of its citizens. We trust that you will seek such a course of legislative balance as this DoD proposal is eventually introduced in the Congress. Thank you for considering this request and for your continued interest in our national environment.

Sincerely,

Mark F. Giesfeldt
ASTSWMO President