



Working Together for Environmental Progress

NORTHEAST WASTE MANAGEMENT
OFFICIALS' ASSOCIATION

Annual Report 2004

Northeast Waste Management Officials' Association (NEWMOA)

The Northeast Waste Management Officials' Association (NEWMOA) is a non-profit, non-partisan association established by the governors of the New England states, in accordance with Section 1005 of the Federal Resource Conservation and Recovery Act (RCRA), to coordinate interstate hazardous and solid waste activities. The US EPA formally recognized the organization in 1986. NEWMOA members are the state environmental agency directors of the hazardous waste, solid waste, waste site cleanup, emergency response, pollution prevention, and underground storage tank programs in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NEWMOA's mission is to develop and sustain an effective partnership of states to explore, develop, promote, and implement environmentally sound solutions for the reduction and management of materials and waste, and for the remediation of contaminated sites. The group fulfills this mission by providing services that:

- ✦ facilitate communication and cooperation among member states and between the states and the US EPA,
- ✦ support the efficient sharing of state and federal resources, and
- ✦ encourage regional approaches to critical environmental problems in the Northeast.

Innovations and Solutions



In fiscal 2004, NEWMOA continued to prove its value as member states struggled with deep budget cuts and difficult resource decisions. Despite these cutbacks, NEWMOA helped us make progress toward a more sustainable future in managing solid and hazardous waste, preventing pollution, and in cleaning up hazardous waste sites. Our tighter budgets inspired us to use NEWMOA to share information and expertise, collaborate on solutions, and implement joint strategies at a far lower cost than if each state had to do this work on its own.

Many accomplishments from this past year have built impressively on previous work. In particular, NEWMOA continues to help member states:

- ★ **promote voluntary cleanups and brownfields development** by providing live training and printed materials on performing better-quality, lower-cost site assessments.
- ★ **reduce mercury in the environment** by serving as a single point of contact for business and the public for information on mercury-containing products, as well as mercury education and legislation.
- ★ **develop and manage strategic information** on pollution prevention, materials use/re-use and recycling to promote sustainability, waste reduction, and the diversion of useful materials from disposal.
- ★ **track the generation and movement of solid waste** both within and outside of the region to support state waste planning and program development.
- ★ **lower the public and private costs of compliance** by developing consistent measures of environmental performance and by sharing expertise in tailoring programs to particular sectors.

Throughout this report are examples of the effective partnership of states that is central to NEWMOA's mission. We can all take great pride in these achievements, which significantly benefit all of our state waste management programs.

These accomplishments would not have been possible without the hard work and support of many, particularly NEWMOA's directors and staff. I also want to thank the US Environmental Protection Agency staff in Regions 1 and 2, and at Headquarters, for supporting our projects and generously sharing their expertise. And I especially want to express gratitude to our state environmental commissioners and our congressional delegations, who persuaded the US Congress to provide funds to NEWMOA for a fourth consecutive year. This support truly honors the association's work in these fiscally challenging times.

*Sarah Weinstein
Deputy Assistant Commissioner, Bureau of Waste Prevention
Massachusetts Department of Environmental Protection*



NEWMOA Fiscal 2004 Highlights

Support for Brownfields Cleanup

Voluntary cleanup of brownfields transforms contaminated land from a public liability to an asset providing direct environmental, economic, and employment benefits. In support of this goal, NEWMOA conducted workshops and published outreach materials to educate site owners, potential purchasers, environmental consultants, and state staff about more effective, less costly site assessment and cleanup techniques. NEWMOA also assisted state efforts to ensure that future site uses remain compatible with cleanups.

Innovations in Compliance and Enforcement

State environmental programs are beginning to forge constructive new relationships with regulated entities that would replace traditional inspection-based programs. These new approaches to compliance focus on business responsibility and measure the progress of entire sectors toward sustainable compliance with state rules. In fiscal 2004, NEWMOA supported its member states by conducting research, training state staff, and providing a forum for building consensus about multi-state approaches to common issues. This work is continuing as NEWMOA helps to develop common measures of environmental performance to benchmark compliance in the region.

Reductions in Mercury-containing Products and Waste

The Interstate Mercury Education and Reduction Clearinghouse (IMERC), which NEWMOA manages, provides a single point of contact for mercury-added product notifications from businesses and consolidates data management for its member states. IMERC saves time and money for both states and businesses, and the

resulting database has become a rich resource for shaping mercury-reduction efforts. In fiscal 2004, IMERC began to analyze data on mercury in products sold in the US, a project that is critical for informing the public, policymakers, state officials, and others about the relative contributions of products to mercury in the wastestream.

Tracking of Municipal Solid Waste Flows

As state and federal resources for solid waste programs continue to shrink, NEWMOA's ongoing efforts to analyze the interstate flow of municipal solid waste (MSW) is becoming ever more important. Through NEWMOA, states gain valuable information to validate the data supplied by MSW handling and disposal facilities. This information is used to determine whether existing facilities are adhering to permit conditions and to evaluate the need for new or expanded facilities. With data gathered over the past five years, NEWMOA is now able to analyze long-term trends in disposal quantities and destinations.

Leadership in Results Measurement

NEWMOA continues to provide leadership in national committees formed to measure the performance of compliance assistance and pollution prevention. As a co-chair of the Measurement Subcommittee on the Compliance Assistance Advisory Committee (CAAC), NEWMOA helped to write a report and develop recommendations to the EPA Administrator on improving measurement of compliance assistance. As the co-chair of the newly formed Pollution Prevention Results Task Force, NEWMOA is also helping to shape a national system for tracking the results of pollution prevention.

Supporting Brownfields Redevelopment Programs

Brownfields redevelopment has proven to be a win-win strategy. Through these revitalization projects, a local community can regain the use of an abandoned property at the same time that it realizes the environmental benefits from cleaning up contamination.

While substantially increasing the resources available for brownfields projects, federal legislation enacted in 2002 also contains new requirements for accessing the funds. As EPA developed its criteria, the implications for state brownfields and other voluntary site cleanup programs required clarification and discussion by states and EPA. In fiscal 2004, NEWMOA initiated a project supporting state efforts to implement the new federal requirements. Member states chose to work through NEWMOA to institute semi-annual meetings between the states and EPA in the region. After the first meeting in September 2004, states had a better understanding of the issues and challenges associated with institutional controls, as well as of EPA's policies and requirements for state brownfields programs.

In addition to improving the information exchange between the states and EPA, NEWMOA also led the following key projects in support of state waste site cleanup programs in fiscal 2004.

Assessing the Effectiveness of Institutional Controls

Allowing some contamination to remain on a site can reduce remediation time and costs, thereby encouraging redevelopment. When residual contamination exists, EPA and states use institutional controls (ICs) as a way to protect human health and the environment while also streamlining the cleanup process.

ICs restrict land or resource use and/or provide information to help direct future activity at the site. For example, ICs might restrict the use of groundwater, prohibit certain land uses, or limit activities such as excavation, construction, and demolition. The IC used most often in the Northeast states is a deed restriction negotiated with a property owner.

While states have authority to enforce IC restrictions, they have no way of ensuring compliance without actively monitoring site conditions. In addition, the mechanism can remain effective in the long term only if new owners are aware of, and comply with, the restrictions.

To assess how ICs are holding up over time, NEWMOA staff worked with the Connecticut Department of Environmental Protection (CT DEP) and the Rhode Island Department of Environmental Management (RI DEM) to conduct a series of case studies. At most of the properties, the ICs restrict the use of groundwater and prohibit residential use. In some, the IC required installation and maintenance of a cap or other barrier over contaminated soils.

Overall, NEWMOA found that compliance with the institutional controls was good. At properties that had changed hands since the IC was negotiated, however, the new owners or site managers did not necessarily know about the limitations placed on property use. While none of the new owners had done anything to violate the restrictions, the states were concerned that the IC process needs to be improved to ensure compliance with safeguards over the

NEWMOA will continue to keep states informed about emerging institutional control issues and assist efforts to improve their ongoing effectiveness.

A conceptual site model organizes and presents the information known about a site in plain English, using a combination of text, tables, maps, and other graphics.

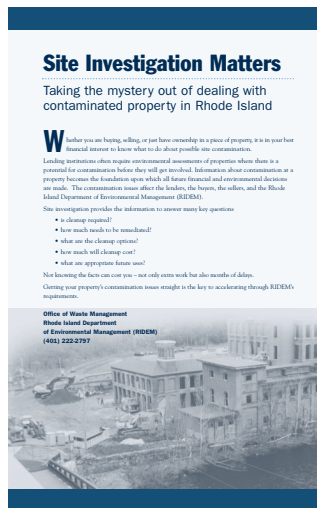
long term. NEWMOA will continue to keep states informed about emerging institutional control issues and assist efforts to improve their ongoing effectiveness.

Promoting Quality Site Investigations

State regulators find that environmental consultants often fail to collect enough data to properly characterize a site and/or clearly explain what and why something was done. The states must then spend significant resources writing lengthy comments and other correspondence to resolve deficiencies in consultants' site investigation reports.

For property owners, an inadequate site investigation or a poorly written report can add thousands of dollars and months of delays to a project. In addition, state and federal laws hold current owners responsible for cleaning up contamination—regardless of who created or contributed to the problem. Previous owners are also often liable for contamination found after they sell the property. As a result, buyers and sellers should protect themselves by hiring a well-qualified environmental consultant to do a site investigation that complies with state regulations and to submit a clearly written report.

To communicate these important messages, NEWMOA undertook two related projects. In the first one, staff assisted the Rhode Island Department of Environmental Management in developing an outreach brochure, *Site Investigation Matters*, for property sellers and buyers. Other NEWMOA member states are now using this brochure as a prototype for their own state-specific versions, to be published in early 2005. The RI DEM brochure is available both in print and on NEWMOA's website at www.newmoa.org/cleanup/.



In the second project, NEWMOA conducted two workshops for consultants and state regulators on *What Regulators Want: Improved Quality of Site Characterization through Effective Communication and the Conceptual Site Model Approach*. These sessions explained the benefits of the conceptual site model (CSM) approach to waste site characterization and report preparation. A

CSM organizes and presents the information known about a site in plain English, using a combination of text, tables, maps, and other graphics. It also identifies areas of uncertainty and the additional information needed to make decisions. As this information is gathered, the CSM is continuously updated.

Regulators benefit from the CSM approach because consultants base their site characterizations on adequate data, analyze and present the information clearly, and explain the reasoning behind their work. For site owners, this means spending less time and money on responding to regulators' questions, and more confidence among stakeholders about the quality of work and the project as a whole.

Pursuing Innovation in Compliance and Enforcement

Years of successive budget cuts have eroded states' ability to perform environmental inspections and follow-up. Resource cutbacks have also underscored the limitations of traditional inspection-based approaches to improving the performance of the many thousands of activities subject to environmental regulation.

In response, state environmental managers are actively seeking and applying new solutions to enforcement and compliance. These innovative approaches place greater responsibility on the regulated entities to improve their practices, and measure the progress of entire business sectors toward sustainable compliance. For example, the Massachusetts Department of Environmental Protection has developed Environmental Results Programs (ERPs) for several specific sectors, including printers, photo-processors, dry cleaners, and industrial boilers. Rhode Island and Maine are developing comparable programs for auto body shops, and a number of NEWMOA states are focusing on the auto salvage sector.

At the same time, New Hampshire and Connecticut have developed and tested programs that use a statistically valid sample of compliance indicators to establish compliance rates for certain categories of hazardous waste generators. Rhode Island is conducting a similar project to promote compliance with underground storage tank requirements.

During 2004, state waste program managers exchanged information on innovative compliance approaches at NEWMOA directors' meetings and at the Advanced Hazardous Waste Inspector Training (see page 14). In addition, NEWMOA sponsored a full-day workshop featuring presentations by the states on the status and outcomes of their Environmental Results Programs, as well as a presentation by EPA on ERP programs in non-NEWMOA states across the country. EPA also outlined its ongoing efforts to support states with grants and technical help, and solicited advice from NEWMOA state managers about the most effective forms of assistance.

A lively discussion followed on how the NEWMOA states, and possibly non-NEWMOA states and EPA, could work together to develop and improve certain generic tools to support a variety of ERP efforts. A strong consensus developed around the need to focus first on measures of compliance and compliance-related behaviors, other measures of success, and the systems needed to gather, process, store, manage, and use information on sector-based compliance programs. NEWMOA was charged with working with member states and EPA to develop and refine these ideas on performance measurement and to identify potential funding sources.

Innovations Summit

In March 2004, EPA Region 1-New England held a summit with the six New England state agencies to promote innovation in environmental protection programs. The purpose of the summit was to generate ideas for how the states and EPA could implement new ways to conduct and manage environmental protection. Key topics that the state and EPA officials focused on during the two-day event included:

- ★ Meeting the Challenges of the Future
- ★ Optimizing Core Program Performance and Meeting the Resource Deployment Challenge
- ★ Leveraging Better Environmental Results

NEWMOA provided travel and logistical support for state participants. The wide-ranging discussions identified a number of opportunities for innovation that EPA Region 1-NE and the state environmental agencies will continue to explore.



Reducing Mercury in Products and Waste

NEWMOA often receives inquiries about mercury-containing products. After more than two years of managing the Interstate Mercury Education and Reduction Clearinghouse (IMERC), NEWMOA staff can answer these questions by referring to its large and growing database on products and manufacturers.

To help states implement laws and programs aimed at getting mercury out of consumer products, the wastestream, and the environment, IMERC provides technical and program assistance while also serving as a single point of contact for information on mercury-added products and mercury-reduction programs. IMERC members include all of the NEWMOA states as well as Washington State and Illinois.

In recent years, IMERC has focused on collecting information from manufacturers or distributors of mercury-added products sold in the states of Connecticut, Maine, New Hampshire, and Rhode Island. Now available at www.newmoa.org/prevention/mercury/imerc/notification/, this database includes information from over 400 manufacturers that make such mercury-containing products as fluorescent lamps, button cell batteries, fever and laboratory thermometers, thermostats, and switches and relays.

The database includes the approximate amount of mercury contained in the products and the total amount of mercury

used in products sold in the US in 2001. Given that manufacturers must update their mercury information at least every three years, IMERC will start to compile data for 2004 product sales beginning in April 2005. Once this data becomes available, IMERC will be able to analyze longer-term trends in mercury use.

Mercury Use in Cooking Equipment

In fiscal 2004, the IMERC states felt the database was complete enough to begin to analyze and summarize the information for particular product categories. As the first in a series of product-specific reports, IMERC developed a fact sheet on mercury use in cooking equipment.

Several types of ranges contain mercury-added components. Gas ranges typically include only one such component—a flame sensor, or gas shut-off valve. Both gas-electric and electric ranges use fluorescent bulbs for backlighting, and some gas-electric ranges contain a flame sensor as a safety feature. Commercial electric ranges may also contain relays.

Based on the reports from product manufacturers and distributors, IMERC estimates that cooking ranges sold in the US in 2001 contained about 3.83 tons of mercury. This figure, however, understates the actual amount of mercury for the product category because of underreporting by oven manufacturers.

Mercury in Cooking Ranges Sold in the US in 2001

Product/ Component	Pounds of Mercury	Number of Manufacturers Reporting
Gas ranges with flame sensors	1,311.21	8
Gas-electric ranges with fluorescent bulbs	11.95	3
Commercial electric ranges with relays	6,328.26	1
Total	7,651.42 pounds (approximately 3.83 tons)	

Note: Estimate does not include mercury emitted during mining, smelting, and/or manufacturing of these products.

The IMERC fact sheet on *Mercury Use in Gas & Electric Cooking Ranges and Other Cooking Equipment* is available at www.newmoa.org/prevention/mercury/imerc/. In the next year, IMERC plans to prepare fact sheets for other categories of mercury-added products, including switches and relays, measuring devices, dental amalgam, and thermostats.

Product Phase-outs and Labeling

A growing number of IMERC members—including Connecticut, Maine, and Rhode Island—have enacted sales bans or phase-outs of certain mercury-added products. In fiscal 2004, Illinois also enacted a law restricting the sale of mercury switches and relays as well as measuring devices.

In response to these sales bans, approximately 20 companies have applied for exemptions on more than 50 products.

IMERC helped to coordinate the interstate review of these applications, assisting the states with their technical review and research.

Connecticut, Maine, Rhode Island, Vermont, and Washington have also put labeling requirements in place for mercury-added products and their packaging. New York joined

them in passing legislation on product labeling requirements and a number of other restrictions in 2004. IMERC continued to assist companies in complying with these requirements by responding to numerous email and telephone inquiries, posting labeling and phase-out guidance on the web (www.newmoa.org/prevention/mercury/imerc/phaseoutinfo.cfm), and by publishing *IMERC Alert*. *IMERC Alert* is a periodic electronic bulletin for manufac-

Promoting Lamp Recycling to Business

turers and distributors of mercury-added products and their representatives about new state laws and regulations and other important mercury-added product requirements. All of the NEWMOA states have universal waste rules requiring that some, if not all, mercury-containing lamps be recycled or disposed of as hazardous waste. Today, only about 23 percent of these lamps are recycled in the Northeast. This low rate is due at least in part to lack of awareness, minimal enforcement, and the perception among businesses that lamp recycling is inconvenient.

In fiscal 2003, NEWMOA received funding from EPA Headquarters to develop an outreach program to increase lamp recycling among businesses. The goal of this ambitious project is to double the recycling rate in three years. Accordingly, NEWMOA's Lamp Recycling Outreach Workgroup met with lamp wholesalers, recyclers, and state program managers throughout fiscal 2004 to explore options for making recycling more convenient through wholesaler take-back programs. After attending these sessions, many of the wholesalers recognized the business opportunities presented by offering lamp recycling services to their customers. As a result, they have now set up, or are in the process of setting up, reverse distribution systems at nearly 30 branch locations.

As fiscal 2004 ended, the Workgroup began to target commercial property managers for the lamp recycling project. NEWMOA hired a social marketing consultant to help the Workgroup develop effective outreach approaches for this audience.

For more information on NEWMOA's lamp recycling efforts, go to www.newmoa.org/prevention/mercury/lamprecycle/.



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Mercury Clean-out in Massachusetts Schools

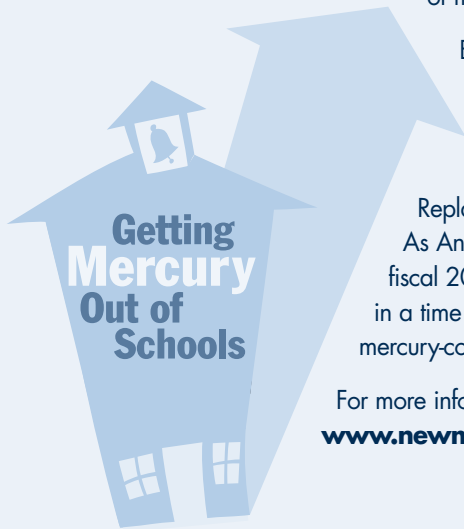
For the fourth year in a row, the Massachusetts Department of Environmental Protection funded NEWMOA's mercury-reduction project in K-12 schools. In fiscal 2004, NEWMOA worked with 28 schools (19 high schools, 5 middle schools, and 4 elementary schools) to identify, collect, and recycle elemental mercury and mercury-containing products.

This year's efforts yielded a total of 225 pounds of mercury, with about 58 percent in bulk elemental form and the rest in products. The amount of elemental mercury collected from each school ranged from less than a pound to 37 pounds, with an average per high school of 11 pounds. Over half of the total came from just four high schools, suggesting that, while a few Massachusetts schools still have large quantities of mercury, the majority has already made mercury-reduction efforts.

Education about mercury's hazards remained a key component of NEWMOA's mercury clean-out program in fiscal 2004. Educating the school staff helps ensure that no one orders mercury equipment in the future, and that all teachers turn in their mercury equipment.

Replacement of mercury equipment with non-mercury alternatives is also very important. As Angela Cunard, a science supervisor at Seekonk High School who participated in the fiscal 2004 clean-out, said, "Replacement of items was a great incentive and very helpful in a time of budget cuts. The mercury clean-out program was a great way to get rid of mercury-containing items."

For more information on NEWMOA's efforts to remove mercury from schools, visit www.newmoa.org/prevention/mercury/schools/.



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Tracking Interstate Waste Flows

With state and federal funding for solid waste programs on the decline, the importance of sharing information continues to increase. NEWMOA's annual analysis of interstate flows of municipal solid waste (MSW) is a particularly valuable resource, helping states validate the data supplied by MSW handling and disposal facilities. By working together, the states are able to identify any inconsistencies they need to address. They then use the validated data to determine whether existing facilities are adhering to permit conditions and to evaluate the public need for new or expanded disposal facilities.

NEWMOA's most recent report on this project, *Interstate Flow of Municipal Solid Waste Among the NEWMOA States in 2002*, makes comparisons with the previous three years of collected data. This analysis reveals that:

- ★ The majority of MSW generated in each NEWMOA state is managed at in-state disposal facilities.
- ★ With the exception of Rhode Island, states imported or exported (or both) a substantial quantity of MSW.
- ★ Maine and New Hampshire imported significantly more MSW than they exported, primarily from Massachusetts.
- ★ New York receives a significant amount of MSW from Connecticut, Massachusetts, and Vermont. New York facilities also dispose of MSW imported from Pennsylvania and Ontario, Canada.

- ★ Connecticut, Massachusetts, New Jersey, and New York all export significant quantities of MSW to non-NEWMOA states (primarily Ohio, Pennsylvania, South Carolina, and Virginia).

Over the four-year period, the quantity of MSW requiring disposal also rose in every state. Disposing of the additional MSW resulted in significantly higher exports from the larger states with limited capacity (Connecticut, Massachusetts, New Jersey, and New York), especially to states outside the NEWMOA region. Vermont's exports also increased from 1999 to 2002, with the majority going to facilities in New Hampshire and New York.

After adjusting for changes in population, five states (Connecticut, Massachusetts, New Jersey, Rhode Island, and Vermont) experienced an increase in the quantity of per capita MSW requiring disposal. Maine and New York saw a slight drop in the amount of MSW requiring disposal per capita, while New Hampshire's level stayed the same.

Copies of the *Interstate Flow of Municipal Solid Waste in the NEWMOA States* reports are available at www.newmoa.org/solidwaste/flow.cfm.

MSW Disposed Per Person in the NEWMOA States, 2002

State	Pounds of Waste
Connecticut	1,580
Maine	1,360
Massachusetts	1,720
New Hampshire	1,740
New Jersey	1,700
New York	1,940
Rhode Island	2,080
Vermont	1,380

Later in 2004, NEWMOA began to gather state MSW data for the 2003 calendar year. Once this process is complete, the NEWMOA states will have five years of information available to evaluate longer-term trends in disposal quantities and destinations.

Construction and Demolition Waste

Another focus for fiscal 2004 was the tracking of construction and demolition (C&D) waste. NEWMOA undertook a project to quantify the amount of C&D waste material generated and its interstate movement for processing and disposal. One important finding of this analysis is that while a significant portion of C&D waste is sent to processing facilities, only a small portion of the material is recovered for reuse or recycling. Most of the material is sent for

landfill disposal or used as alternative daily cover or grading material at landfills.

This project revealed that the type and quality of C&D data vary considerably across the states, making meaningful interpretation difficult. During the coming fiscal year, NEWMOA plans to evaluate the reporting requirements and forms that member states use for C&D processing and disposal facilities, and to recommend changes to improve the consistency of the data collected.

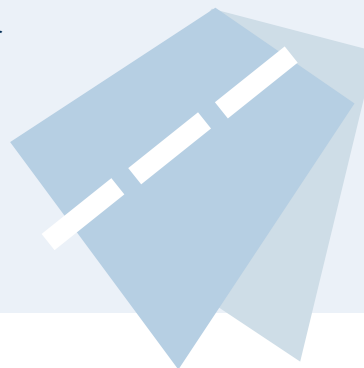
In fiscal 2004, NEWMOA also provided a valuable information-sharing service by holding several meetings about difficult-to-manage components of the C&D waste stream, such as asphalt shingles, gypsum wallboard, and pressure-treated and lead-paint contaminated wood.

A Closer Look at Auto Recycling

Auto recycling facilities routinely crush vehicles before shipping them to a processing facility. Mismanagement of waste and commodity streams from these crushing operations can pose potentially serious problems. For example, failing to drain fluids before crushing a vehicle or disposing of mixed fluids by pouring them onto car seat cushions may be damaging to the environment and/or public health.

The Northeast states are particularly concerned with the performance, compliance, and business practices of mobile crushing operators that go from one auto recycling facility to another. Auto recyclers are often unclear about their responsibility for wastes and releases that result from mobile crushing operations at their sites, which can lead to a lot of finger-pointing when a problem occurs.

The issue of environmental damage associated with auto crushing operations was the focus of discussion for the NEWMOA Auto Recycling Workgroup in fiscal 2004. In addition to sharing information on how states currently address this issue and what problems the states are finding, the Workgroup is developing a plan for a regional, coordinated approach to managing the wastes from auto crushing. While still in its formative stages, this project will likely include a stakeholder process and outreach and assistance efforts.



Achieving Regional Consensus on Federal Policy

In fiscal 2004, EPA proposed draft regulations to redefine solid waste and legitimacy criteria for hazardous waste recycling. To facilitate development of consensus comments on the proposal, NEWMOA organized conference calls to give state managers an opportunity to ask questions and discuss EPA's rationale for the various regulatory provisions. NEWMOA also served as a clearinghouse for drafts of the more detailed technical comments that each state prepares.

In the comments submitted to the official EPA docket, the NEWMOA states supported EPA's goal of promoting the legitimate recycling of hazardous secondary materials (HSMs), and strongly endorsed the codification of criteria to define legitimate recycling. Most of the NEWMOA states also supported the exclusion of HSMs that are legitimately recycled on-site from the definition of solid waste, provided there is an effective notification requirement and sufficient recordkeeping to demonstrate that facilities are conforming to the legitimacy criteria.

NEWMOA members did, however, have concerns about proposed revisions that would allow HSMs to move off-site as commodities without the protections provided under the current RCRA hazardous waste regulations. The states raised the following issues about accountability, tracking, and transparency.

- ★ The change might lead to abuses and releases that would be impossible to detect until the damage had been done. Enforcement would also be more difficult, if not impossible, notwithstanding the improved clarity provided by the legitimacy criteria.
- ★ Widespread adoption of these proposals would increase uncertainty and risk at a time when most state environmental agencies have fewer hazardous waste compliance and enforcement resources. While states can choose to maintain more stringent requirements for generators in their own states, they would be powerless to address the influx of HSMs that might originate elsewhere.
- ★ On the issue of excluding essentially all materials legitimately recycled by reclamation, the states reminded EPA that they are still engaged in the remediation of previous attempts to recover resources from HSMs. They urged a cautious, case-by-case approach to reducing the regulation of such activities.
- ★ The states questioned the notion that there is a great deal of unwarranted regulation of HSMs, given the long-standing availability of variances and state recycling permit programs. In at least some cases where proposals for regulatory relief have stalled or seem particularly cumbersome to the regulated community, the permissions requested raised legitimate concerns about environmental safety.

The NEWMOA states also commented that, before making wholesale changes to the RCRA regulatory framework, it would be useful to learn what EPA, the states, and the regulated community would gain from adopting the proposed provisions for on-site recycling. This could be combined with analysis of the various industrial processes and HSMs that are allegedly over-regulated to set priorities for a variance, permit-by-rule, limited recycling permit, beneficial use determination, or other case-by-case rule-making. The approach used under the universal waste rule was cited as an appropriate way to handle some situations.

“Our state environmental agencies want to encourage recycling in every way that is reasonable, but we’re also determined to avert a new wave of contaminated sites”

Sarah Weinstein
MA DEP, NEWMOA Chair

Taking the Lead on Performance Measurement

NEWMOA continues to play a leadership role in national efforts to measure the results of compliance assistance and pollution prevention initiatives. By participating in several key national committees and providing software tools for states to use, NEWMOA is helping to establish uniform standards by which to assess how compliance assistance and pollution prevention are contributing to environmental progress.

Compliance Assistance Measures

For the past four years, NEWMOA's Deputy Director has participated on the Compliance Assistance Advisory Council (CAAC), established under the National Advisory Council for Environmental Policy and Technology (NACEPT) to make recommendations to the US EPA on the use and benefit of compliance assistance in protecting the environment.

EPA has convened two advisory councils since 2000 to provide recommendations to the agency on compliance assistance—the first in 2000–01 and the second in 2002–04. NEWMOA has been a representative on each of these committees and co-chaired a measurement subcommittee for the entire four years. Both of the CAACs involved a wide variety of stakeholders, including trade associations, small business representatives, community-based assistance providers, and state, federal, tribal, and local governments.

The final report of the first CAAC, "Maximizing Compliance Assistance: Recommendations for Enhancing Compliance Assistance Opportunities at EPA and Through Other Providers," was submitted to EPA in August 2001. Building on this work, the report of the second CAAC, "Recommendations for Enhancing EPA's Compliance Assistance Program," was published in 2004. This report focuses on implementation in three critical areas and includes the following key recommendations:

1. Integration of compliance assistance into EPA's mission, goals, and activities. All forms of environmental assistance generally, and compliance assistance in particular, are essential complements to the enforcement tools at the core of EPA's regulatory programs. Assistance and enforcement should not be viewed as mutually exclusive. Rather, EPA should continue to strive to find and employ the most effective mix of these tools to achieve the agency's goal of protecting human health and the environment. The potential for EPA's assistance programs to prevent violations of environmental laws cannot be overstated.

2. Development of parameters that effectively measure results of compliance assistance activities. The report emphasizes performance outcomes and environmental impacts of EPA's compliance assistance activities. The NACEPT encourages EPA to fully explore this arena with the goal of establishing credible measures of success, beyond enforcement actions and fines, for all compliance assurance-related activities. At minimum, these measures should reflect the compliance rates and trends for regulated entities.

3. Optimization of the compliance assistance network across EPA and other environmental assistance providers. Ideally, the regulated community would be in full compliance with environmental regulations, making enforcement unnecessary. But even then, the need for compliance assistance would not disappear. EPA's own definition of compliance assistance properly includes activities that can move entities beyond compliance. The agency needs to keep this in mind, and to plan for and support compliance assistance as a fundamental component of its mission to protect human health and the environment.

For a copy of the full report, visit www.epa.gov/ocem/nacept/nacept_doc_library.htm.

Pollution Prevention Performance

NEWMOA is a nationally recognized leader in P2 performance measurement. Over the past several years, NEWMOA has developed and refined a software application to support state efforts to collect and manage data on outcomes of their pollution prevention activities (see sidebar). This year, NEWMOA was asked to co-chair a National P2 Results Task Force under the auspices of the National Pollution Prevention Roundtable (NPPR) and the Pollution Prevention Resource Exchange (P2Rx).

The Task Force is developing a National P2 Results Data System to report on pollution prevention results for the entire country. This system would collect, manage, and synthesize data from individual state and local programs, non-profits, companies, and other P2 organizations. The P2Rx Regional Centers would aggregate data for the states in their regions and then share this information via the Internet and with NPPR for use in preparing a biennial report on the national progress of pollution prevention programs.

Underlying this system is a single agreed-upon set of core P2 measures, called the “Data Dictionary.” The Task Force has compiled a range of outcome, behavior change, and

activity metrics from several P2 data systems, including NEWMOA’s. In addition to promoting greater collaboration across programs nationwide, these measures would:

- ★ Demonstrate that publicly supported P2 programs deliver value to clients and taxpayers alike.
- ★ Assist policymakers and others in identifying which P2 efforts are effective as they set priorities, program goals, and objectives.
- ★ Help government agencies and others evaluate progress toward P2 goals.
- ★ Support ongoing improvement in P2 program activities.
- ★ Highlight the tangible environmental and economic benefits of P2 around the country.

Throughout fiscal 2004, NEWMOA co-chaired the P2 Results Task Force with the Pollution Prevention Resource Center for the Northwest. NEWMOA staff led meetings, drafted a national memorandum of agreement, made presentations on the Task Force’s work, helped to develop the proposals for the national system, and assisted with creation of the Data Dictionary.

NEWMOA P2 and Compliance Assistance Metrics Database

For more than seven years, the Northeast states have collaborated through NEWMOA to develop and enhance the Pollution Prevention and Compliance Assistance Metrics database. NEWMOA released the most recent update of this important resource in April 2004. At that time, NEWMOA’s Pollution

Prevention and Compliance Assistance Measurement Workgroup held a meeting to demonstrate the latest version of the software and to discuss the need for better data on pollution prevention measures.

In addition to an improved interface, Version 2.5 features the ability to generate aggregated reports for each major area of the database—client project activities, client project outcomes, production of educational material, educational material outcomes, workshop/conference activities, workshop/conference outcomes, and information requests. Users are also able to customize reports for work done in a particular timeframe, for a specific industry sector, or under a particular government funding source or agency initiative.



For additional information on the database and NEWMOA’s other measurement efforts, see www.newmoa.org/prevention/metrics/.

Reinforcing the Importance of Training

In recognition of their growing reliance on NEWMOA training, the Board of Directors named one of its members as head of the NEWMOA Training Committee. The new chair, Dave O'Toole (NYS DEC), immediately focused on ensuring that each state appoint someone to the Committee. His group then surveyed member states to establish consensus on NEWMOA's immediate and upcoming training priorities.

In fiscal 2004, NEWMOA conducted a number of successful training workshops and web conferences. Increasingly, these training sessions are no longer limited to state staff, but instead may involve other non-government stakeholders, such as environmental consultants.

Advanced RCRA Training

In cooperation with the New York State Department of Environmental Conservation, the New Jersey Department of Environmental Protection, and US EPA, NEWMOA organized an Advanced Hazardous Waste Inspector Training Workshop that was held first in Edison, New Jersey and then in Central Massachusetts. The agenda included presentations by EPA Headquarters experts, followed by intense discussions about the definition of hazardous waste and how to distinguish legitimate recycling and recovery operations from activities that attempt to "game the system"—potentially threatening the environment in the process.


Other sessions focused on the new US Department of Transportation regulations concerning activities incidental to the storage and transfer of hazardous wastes, the new

Environmental Results Programs that states are implementing to improve environmental compliance across business sectors, and New Hampshire's innovative approach to determining compliance rates for a particular class/type of hazardous waste generators.

Hands-on Technology Training

Pollution prevention program staff especially value training that gives them a better understanding of real-world conditions at the facilities they assist. Given that many types of companies use spray guns in their operations, states expressed an interest in learning more about the pollution reduction opportunities that the new high-volume, low-pressure (HVLP) guns afford.

In March 2004, NEWMOA organized a hands-on training in collaboration with the Massachusetts Office of Technical Assistance (MA OTA), through a partnership with the auto body program at BayPath Vocational Technical High School in Charlton, Massachusetts. The well-attended session provided participants a chance to apply several coats of paint to a car fender, experiencing in the process how difficult it is to apply a good, even coat of paint without over-spraying the part or the area around it. They also learned about the air emissions and waste generated by traditional spray guns, as well as the importance of using the correct adjustments and application technique with the HVLP gun—and how operators often do not use either. Feedback on the training was uniformly positive, with states requesting that NEWMOA develop more of these hands-on sessions.



“My job as chair of NEWMOA's Training Program is to make sure that our state environmental program managers fully consider the strategic importance of training to the success of their programs, and to work with the NEWMOA staff to anticipate and plan for training needs.”

Dave O'Toole, NYS DEC

Web Conferences

Web conferences have become a popular, low-cost method of promoting information sharing on topics that the states identify as priorities. These sessions involve an audio presentation via conference call, backed up by a PowerPoint presentation that participants download from the NEWMOA website. Presenters take participants through the slides during the session much as they would in a face-to-face workshop.

NEWMOA held a number of web conferences in fiscal 2004 as a way to promote training and information sharing while reducing the need for out-of-state travel. Among the topics covered were:

- ★ Pharmaceutical waste issues
- ★ EPA Region 1-New England's Environmental Justice Mapping Tool
- ★ Green building for schools and colleges
- ★ Environmentally preferable cleaners
- ★ P2 measurement tools

These sessions were very well attended and received. For examples of the visual support materials for these web conferences, see www.newmoa.org/prevention/webconferences.

State Assistance Website Workshop

In the summer of 2004, members of the Northeast Assistance and Pollution Prevention Roundtable, a NEWMOA-run program, held a two-day meeting and workshop. The focus was on helping state assistance programs implement simple and effective ways to make their websites more user-friendly. The website design experts that NEWMOA brought in to lead the workshop provided many suggestions for improving both search and navigation functions.

On the second day of the meeting, states shared information on new developments in their assistance and P2 programs, as well as initiatives under way at EPA. EPA staff were particularly interested in discussing ways to improve measurement of pollution prevention and assistance.

Managing Key Information Channels

NEWMOA keeps its state members up to date on the latest developments in state and federal policies and programs, technology and research through a variety of channels, including workgroups, networking groups, and listservs. In recent years, NEWMOA's website has become an increasingly critical resource for information sharing and collaboration among state members.

NEWMOA's Website

NEWMOA's website is the primary vehicle by which people obtain information about the organization and its resources. Included on the site are descriptions of all NEWMOA projects and workgroups, links to publications posted on member state websites, and access to the following databases:

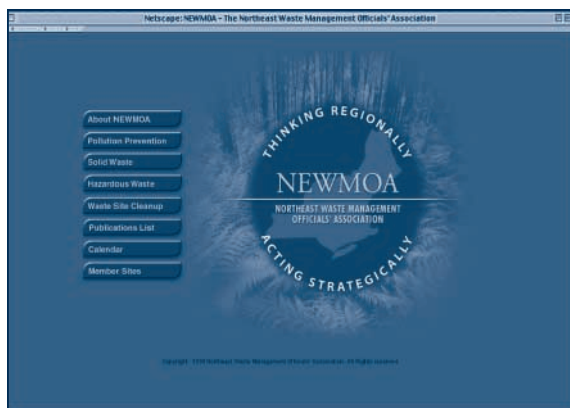
- ★ pollution prevention topic hubs
(www.newmoa.org/prevention/topichub)

- ★ pollution prevention and assistance programs directory
(www.newmoa.org/prevention/programs)
- ★ pollution prevention and assistance activities database
(www.newmoa.org/prevention/activities)
- ★ mercury reduction programs database
(www.newmoa.org/prevention/mercury/programs)
- ★ mercury-added products database
(www.newmoa.org/prevention/mercury/imerc/notification/)

Workgroups and Committees

NEWMOA's workgroups and committees are groups of state officials actively engaged in a project or task focused on a specific topic or environmental problem.

- ★ Auto Recycling Workgroup
- ★ Brownfields Workgroup



- ★ Construction and Demolition Debris Workgroup
- ★ Electronics Workgroup
- ★ Improving the Quality of Site Characterization Workgroup
- ★ Innovative Compliance Strategies Workgroup
- ★ Interstate Mercury Education and Reduction Clearinghouse (IMERC)
- ★ IMERC Enforcement Committee
- ★ IMERC Product Labeling Committee
- ★ IMERC Notification Committee
- ★ IMERC Product Phase-out Committee
- ★ Lamp Recycling Outreach Workgroup
- ★ Mercury Workgroup
- ★ Northeast Assistance and Pollution Prevention Roundtable Steering Committee
- ★ Open Waste Burning Workgroup
- ★ Pollution Prevention and Compliance Assistance Measurement Workgroup
- ★ Pollution Prevention Information Dissemination Committee
- ★ RCRA Performance Measures Workgroup
- ★ RCRA Regulations and Policy Workgroup
- ★ Solid Waste Metrics Workgroup
- ★ Solid Waste Steering Committee

Networking Groups

NEWMOA's networking groups share information and ideas about general topics through email, listservs, conferences calls, and occasional meetings.

- ★ Beneficial Use Determinations Networking Group
- ★ Contaminated Sediments Networking Group
- ★ Emergency Response Networking Group
- ★ Hazardous Materials Transportation Uniform Safety Act Networking Group
- ★ Marina Networking Group
- ★ Pollution Prevention Innovative Technology Networking Group
- ★ Technology Review Committee (TRC)
- ★ Tires Networking Group

NEWMOA Listservs

Listservs provide email subscribers a forum to share information and ideas on a particular topic. Participants post messages to the list so that others can respond and/or read each other's comments. To join a NEWMOA listserv, contact Andrea McKay at amckay@newmoa.org.

Open to all interested parties:

- ★ Environmental Management Accounting
- ★ Environmental Management Accounting Network for the Americas
- ★ Green Building Listserv
- ★ Pollution Prevention and Compliance Assistance Measurement

Open to federal, state, local, and tribal governmental officials only:

- ★ Auto Recycling
- ★ Marina Outreach and Assistance Workgroup
- ★ Mercury Policy and Legislation
- ★ Northeast Assistance and Pollution Prevention Roundtable

NEWMOA Funding

NEWMOA relies on dues, grants, and special contributions for funding. The first and original source is state dues. The New England states request that EPA Region 1-New England make a portion of their RCRA state hazardous waste program assistance funds available as dues and general support, in the form of a grant. The NEWMOA Board of Directors determines the specific amount each year in consultation with EPA Region 1-New England. New York and New Jersey elect to pay their annual dues directly to NEWMOA.

EPA grants support general solid waste activities, pollution prevention projects, the open waste burning project, mercury projects, the innovative site assessment technology

project, and participation in federal regulations development. Grants for these activities are awarded by a combination of EPA Region 1-New England, EPA Region 2, and EPA Headquarters, and occasionally by other agencies and institutions. A portion of these grants results from a federal budget line item supported by US senators and representatives from the NEWMOA states.

Contributions from member states in the form of grants and contracts make up the third source of funding. Several states contribute directly to fund projects of particular interest, as well as to support NEWMOA's solid waste, pollution prevention, IMERC, and waste site cleanup programs.

NEWMOA's Balance Sheet

October 1, 2003 to September 30, 2004	
Revenues	
State Dues, Contracts, Fees, Contributions and In-kind Services/Match	\$ 88,680
Federal Grants*	812,104
Miscellaneous	1,393
Total Revenue	\$ 902,177
Expenditures	
Staff Salaries & Expenses	\$ 570,062
Travel & Meetings	79,413
Office Expenses	249,744
In-kind Expenses	6,343
Total Expenditures	\$ 905,562
Net Assets	
Net Assets at Beginning of Year	\$ 265,939
Net Assets at End of Year	262,554
Net Change in Assets (loss)	\$ <3,385>

*Includes \$147,000 in state assistance grants allocated to NEWMOA at the request of the New England states, plus awards to states provided to NEWMOA through state contracts. In addition, \$198,000 results from a line item in the federal budget.



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