



**partnership** for sustainability

## From the Chair

**G**rowing concern about climate change and other environmental conditions makes the search for sustainable practices, across all areas of human activity, an increasingly urgent priority. In response, the state environmental agencies in the Northeast have partnered through NEWMOA to share ideas and training, and collaborate on strategies for improving environmental performance and promoting sustainability. During fiscal year 2007, the NEWMOA member states invested heavily in new tools and innovative approaches that are described throughout this report. By joining forces they leveraged scarce resources and accomplished far more than they would have by acting alone. The projects that I mention below exemplify our states' commitment to sustainable practices and a greener and healthier future.

The NEWMOA member states are working together through the Common Measures Project to develop innovative programs that help small businesses improve their environmental performance. The approach, known as the Environmental Results Program (ERP), relies on cooperation and communication with such targeted businesses as dry cleaners, auto body repair shops, and printers to define environmentally sound operating practices. Outreach and self certification programs tailored to particular business sectors, accompanied by performance verification using statistical methods, are the program's central features. This approach, first developed in Massachusetts, is now being applied throughout the NEWMOA states and some non-member states as well, through NEWMOA's partnership.

In another project designed to help businesses green their operations, NEWMOA is facilitating the development of an easy-to-use materials use and profitability software tool called the Energy and Materials Flow and Cost Tracker (EMFACT). EMFACT will be designed to help smaller manufacturers implement environmental management accounting as a key tool for implementing materials and energy efficiency improvements, setting pollution prevention priorities, and identifying value-added opportunities for sustainable production. The tool can be a useful adjunct for compliance assurance, quality management, lean manufacturing, efficiency improvements, environmental management systems, and preventing accidents and losses. Plans include a program to train companies to use the software tool, which will be made available free of charge to

businesses and technical assistance providers, in cooperation with NEWMOA-member state pollution prevention and other environmental assistance programs.

Finally, I would like to highlight NEWMOA's work to assist the states' review

processes for allowing the use/reuse of waste material in products or other applications. Companies often approach state waste programs seeking a beneficial use determination (BUD) approval to use a previously discarded material in a new application, material, or product. Provided this can be done safely from an environmental standpoint, there can be significant economic and environmental benefits associated with using, rather than disposing of, the material. However, before granting a BUD each state has its own case-by-case review process. NEWMOA is developing a database for states to share information about BUDs they have already granted. The BUDs database allows regulators to quickly determine if similar BUDs were issued by participating states, and the conditions and safeguards that were required in the approval. Easy access to this information can greatly improve the quality and efficiency of the states' review processes, encouraging beneficial uses and the conservation of materials.

These and many other accomplishments described in this report have been made possible by the hard work of state and NEWMOA staff and the support of my fellow NEWMOA Directors. I want to thank the U.S. Environmental Protection Agency staffs in Regions 1 and 2 and Headquarters for supporting our projects and generously sharing their expertise. The NEWMOA Board of Directors needs to be recognized for its initiative this year to "walk the talk" and implement green meeting practices, including paperless meetings and purchasing carbon offsets to address the carbon footprint for their Board meetings. I would especially like to recognize the determined efforts of our state environmental commissioners to persuade the U.S. Congress to fund a portion of NEWMOA's work in these difficult financial times. We hope that their efforts will succeed next year.



**Frank Coolick**

*Solid & Hazardous Waste  
Management Program  
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2007 NEWMOA Chair*

## FISCAL YEAR 2007

# NEWMOA-by-the-Numbers

- **26 NEWMOA-sponsored training events** (including web conferences and face-to-face workshops)
- Approximately **1,120 participants** in NEWMOA-sponsored training events (including web conferences and face-to-face workshops)
- **1 national conference** – Characterizing Chemicals in Commerce: Using Data on High Production Volume (HPV) Chemicals – organized by NEWMOA and EPA Headquarters with over 180 participants in attendance
- **16 face-to-face meetings** of NEWMOA Directors and Workgroups involving more than 325 people focusing on measurement topics and projects, waste management, pollution prevention, and Brownfields activities in the region
- More than **189,000 visits to NEWMOA's website** and more than 650,000 pages viewed by those visitors
- Approximately **110 NEWMOA conference calls** of Workgroups and for projects
- Approximately **2,800 Northeast Assistance and P2 News newsletters** distributed (2 issues)
- **38 NEWMOA publications** on priority topics published online, including “IMERC Alert” and “Mercury Use in School Classrooms: Summary and Assessment of Non-Mercury Alternatives”
- More than **490 companies** reporting on their mercury-added products to the participating states through IMERC
- More than **4,300 products** in the online Mercury-added Products Database (not including a single product that was reported by multiple companies)
- Almost **197 pounds of mercury** removed from 27 schools (14 high schools, 8 middle/K-8 schools, and 5 state colleges) in Massachusetts
- **146 representatives** from over 40 counties in New York State received training conducted by NEWMOA and New York State Department of Environmental Conservation (NYS DEC) staff on mercury reduction and cleanout opportunities for schools
- **30 representatives** from NYS DEC and school districts in New York State received training by NEWMOA on conducting a full chemical cleanout for school science classrooms
- **8 national and regional workgroups, task forces, or national meetings** that involved NEWMOA (including National P2 Results Task Force, New England Governors' Mercury Task Force, Forum on State and Territorial Toxics Action, conference on Beneficial Use Determinations, National Pollution Prevention Roundtable, and the Quick Silver Caucus)
- **8 NEWMOA member states**
- **26 NEWMOA Directors** who met four times for two days
- **10 NEWMOA fiscal year 2007 staff**
- **13 IMERC member states**
- **21 NEWMOA Workgroups or Committees**
- **3 NEWMOA Networking Groups**
- **12 NEWMOA Listservs**

*For a list of NEWMOA's fiscal year 2007 projects, visit <http://www.newmoa.org/publications/projdesc2007.cfm>.*

## Greening NEWMOA Meetings & Events

In fiscal year 2007, the NEWMOA Board of Directors made a major commitment to increase the greening of its meetings and other Association events. To initiate this process, NEWMOA conducted a review of the available online information on greening meetings and events and prepared a list of options and suggestions. In the middle of the fiscal year, the Board decided to pursue several strategies for its meetings and other NEWMOA events, particularly:

- Implementing online registration for all NEWMOA meetings
- Conducting virtually paperless meetings
- Improving the screening of hospitality facilities for their environmental practices and seeking to patronize certified green lodging facilities, if available, for NEWMOA events
- Addressing travel and other energy resource considerations in selecting locations for regional meetings by encouraging car pooling, seeking locations that are accessible by public transportation, and encouraging the use of hybrid and other high mileage vehicles, if driving is necessary
- Purchasing offsets to address the carbon footprint of NEWMOA events
- Collecting reusable and recyclable materials that the hotel or meeting facility is unable to collect for reuse/recycling

NEWMOA was successful in transitioning to a paperless format for the last two of its Board meetings in 2007. This involved ensuring that each participant had a laptop computer available to view materials, presentations, and other information electronically and that the laptops had the appropriate software and high speed internet access at the hotel. The staff had to transfer all of the materials to each laptop computer at the beginning of the meeting, bring a laptop and projector to the meeting so that the Directors and staff could view the PowerPoint slides more easily on a larger screen, and make NEWMOA staff with technical expertise available to address questions and issues. Prior to the meetings being “paperless,” the NEWMOA staff prepared and printed thick notebooks of the meeting materials to hand out

to each meeting participant. These notebooks sometimes contained more than 150 pages of text.

To enable the Association to begin screening hotels based on their environmental programs, the staff developed a questionnaire and began to ask the hotels under consideration to complete and return the survey prior to making a selection about where to hold an event. The results, along with price, location, quality of the property and its amenities, and other considerations are now evaluated when selecting lodging and meeting facilities.

In September 2007, the NEWMOA Board of Directors began to purchase carbon credits to offset the emissions from the energy used for transportation to its meetings and during the meeting. The staff examined information on a variety of carbon credit programs and selected a program available in Vermont.



**NEWMOA was successful in transitioning to a paperless format for the last two of its Board meetings in 2007.**

The summary results of all of these efforts in 2007 are:

- Paper saved per meeting: 72 pounds on average
- Total cost savings for avoiding printing/notebooks and postage per meeting: \$400 on average
- Carbon saved for four meeting/year: 728 pounds of carbon equivalents
- Carbon credits purchased for a Directors' meetings that was held in Atlantic City, New Jersey: 6 tons of CO<sub>2</sub>; \$72

Now that NEWMOA has been successful with developing and using green meeting practices for its Board meetings, it is applying these same methods to its training and other events in 2008.

## Chemicals in Commerce Conference & Regional Workshops

There are a number of exciting breakthroughs in the availability and use of screening level hazard data on chemicals that are widely used in commerce both for consumer and industrial products. In cooperation with U.S. Environmental Protection Agency (EPA) Headquarters Office of Pollution Prevention and Toxics, NEWMOA organized a national conference and two regional workshops in fiscal year 2007 to provide an opportunity for a wide variety of stakeholders to learn about major developments in the U.S. and in other developed countries on access to and use of hazard data on high production volume (HPV) chemicals.

HPV chemicals are classified as those chemicals produced or imported in the United States in quantities of one million pounds or more per year. In 1998, EPA initiated the High Production Volume Challenge Program after multiple studies (including an EPA report, “Chemical Hazard Data Availability Study” available at <http://www.epa.gov/hpv/pubs/general/hazchem.htm>) found that there were significant gaps in the basic data needed to understand and characterize the potential hazards associated with HPV chemicals. This lack of information could mean that people are unaware of potential risks to humans and the environment that are associated with HPV chemicals.

Under EPA’s HPV Challenge Program, companies are challenged to make health and environmental effects data publicly available on chemicals produced or imported in the United States in the greatest quantities. As of June 2007, companies have sponsored more than 2,200 HPV chemicals, with approximately 1,400 chemicals sponsored directly through the HPV Challenge Program and over 860 chemicals sponsored indirectly through international efforts.

Access to HPV chemical information through the High Production Volume Information System (HPVIS) (<http://www.epa.gov/hpvis/index.html>) enables the public to access the screening level hazard data that companies participating in the Challenge have submitted to EPA. The HPVIS is a publicly available database of physical, environmental, and toxicity information regarding many HPV

chemicals. With the voluntary data collection nearing its conclusion, the focus of the HPV Challenge Program has shifted to data use, both by the public and by EPA. NEWMOA’s national conference and regional workshops have been a key element of the strategy to promote greater HPVIS data use.

The conference took place in December 2006 and involved over 180 participants. The workshops occurred in June and September in Tyngsboro, Massachusetts and Atlanta, Georgia, respectively. The workshops involved approximately 30-40 participants each. The overall goals of the conference and the workshops were to:

- Educate a wide variety of stakeholders about the EPA High Production Volume (HPV) Challenge Program, as well as other sources of chemical toxicity and environmental information
- Share experiences of key stakeholders about the use of data made available by the EPA HPV Challenge Program
- Develop ideas on how to make sources of HPV chemicals information and other data more user friendly, accessible, and relevant to a diverse audience

The audiences for these sessions included:

- Federal, state, tribal, and local environmental and public health officials
- Academic researchers
- Non-governmental and community organizations
- Industry representatives



The conference and workshops covered the U.S. HPV Challenge Program, and speakers described various new and interesting data use projects and initiatives, including efforts related to green chemistry. The sessions included a description of the HPVIS and presenters demonstrated HPVIS' searching capabilities and new enhancements, including hazard characterizations that summarize collective data for HPV chemicals. In addition, the sessions provided an update on the status of the Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) program in Europe, and efforts underway in Canada to prioritize chemicals for action. Specific sessions at the conference covered:

- Sources of publicly available HPV chemical toxicity and environmental data
- Data applications and relationships
- Data research and analysis
- Interpretation of data
- Use of chemical toxicity data to help promote pollution prevention
- International HPV chemical data efforts

Information on the national conference and regional workshops, including most of the presentations, are available at <http://www.newmoa.org/prevention/cwm/chemincomm.cfm>

## Conducting a Full Chemical Cleanout in Schools

Proper management of hazardous chemicals found in K-12 schools, combined with various pollution prevention techniques, can ensure a safe and healthy learning environment for students, teachers, and school staff and protect the surrounding environment. NEWMOA initiated the "Chemical Cleanout in Schools" project at the request of the New York State Department of Environmental Conservation (NYS DEC) with funding through a contract.

As part of this project, NEWMOA conducted research and developed a detailed PowerPoint presentation on achieving a full chemical cleanout of science classrooms in K-12 schools. Together, NEWMOA and NYS DEC organized a half-day "train-the-trainer" workshop for New York State environmental officials and education representatives where NEWMOA delivered this presentation and supplied other helpful materials. Approximately 30 participants from NYS DEC and New York school districts attended the September 2007 workshop in Latham, NY.

The workshop focused on all aspects of a successful chemical cleanout campaign, including information about preparing for the cleanout, conducting a chemical inventory, removing and disposing of dangerous or unneeded chemicals, and ensuring proper management of the chemicals kept at the school. NYS DEC plans to use this information to develop their own workshops targeted specifically at additional school officials. The ultimate goal of the program is to teach schools how to reduce and eliminate harmful chemicals, including mercury and mercury-containing equipment, found in science classrooms at K-12 schools.

For more information, visit: <http://www.newmoa.org/prevention/projects/chemcleanout/>.



# Brownfields: Continuing the Tradition of Training Excellence

In fiscal year 2007, the NEWMOA member state waste site cleanup programs focused on technical training as their top priority. NEWMOA sponsored day-long workshops on three topics: Environmental Insurance and Brownfields; Vapor Intrusion Mitigation; and Characterization of Chlorinated Solvent Sites (described below). Each of the sessions was held in two locations and was designed to meet the needs of state regulators and others. All were open to consultants and other private sector representatives. NEWMOA also held an annual meeting of the EPA Region 1- New England Brownfields Team and the States' Brownfields Program Managers in October 2006. This meeting provided the opportunity for states to learn about program developments and policy changes at EPA and to discuss technical and other issues of common interest.

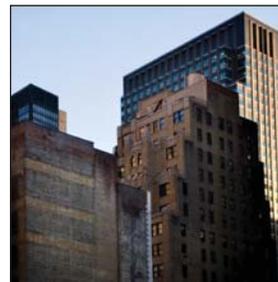
## Environmental Insurance & Brownfields

The "Environmental Insurance and Brownfields" workshops were held in Sturbridge and Chelmsford, Massachusetts in March 2007 and were attended by over 75 people. The purpose of the sessions were to provide basic information on environmental insurance, including: why one would want to purchase environmental insurance and what types of environmental insurance are available. Numerous case studies were presented where environmental insurance made the difference between project success and failure. Generally, environmental insurance provides banks, developers, and other project financiers with a sense of security that allows a project that would otherwise stagnate to move forward. Three insurance carriers attended each session to explain their products, discuss case studies, and answer questions. Presentations are available at: <http://www.newmoa.org/cleanup/cwm/insurance>.

## Vapor Intrusion Mitigation

In June 2007, NEWMOA partnered with the Superfund Basic Research Program (SBRP) at Brown University to sponsor a workshop on "Vapor Intrusion Mitigation." The workshops were held at Brown University in Providence,

Rhode Island and in Chelmsford, Massachusetts and were attended by nearly 200 regulators and consultants from all of the NEWMOA states. Vapor intrusion occurs when chemicals in the soil and groundwater volatilize and migrate up into buildings causing indoor air quality issues. Vapor

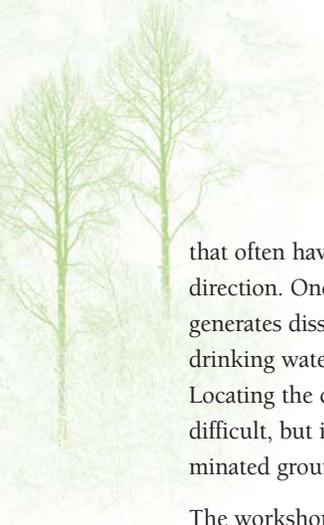


**Vapor intrusion occurs when chemicals in the soil and groundwater volatilize and migrate up into buildings.**

intrusion is an emerging issue of significant concern, and this workshop focused on remediation for the problem. EPA and a national expert from a consulting firm presented on the mechanics of vapor intrusion and the practical implications of site conditions. Representatives from the Connecticut Department of Environmental Protection and New York State Department of Environmental Conservation presented on their efforts with numerous homeowners' at large sites in each of their states, including the various basement conditions they have had to address. Based on feedback obtained during these workshops, NEWMOA plans to sponsor a follow-on workshop in FY 2008 that focuses on the mitigation of vapor intrusion at commercial buildings. Presentations are available at: <http://www.newmoa.org/cleanup/cwm/vapor2007>.

## Characterization of Chlorinated Solvent Sites

Chlorinated solvents have been used for many years as cleaners in many industries, including the dry cleaning industry. Unfortunately, the disposal of these materials was often uncontrolled, leading to soil and groundwater contamination. The high densities and low viscosities of chlorinated solvents allow them to readily move downward through the subsurface as a DNAPL (dense non-aqueous phase liquid). The DNAPL travels along lower density preferential pathways



that often have no relation to the overall groundwater flow direction. Once in the groundwater, the DNAPL slowly generates dissolved contaminants that then migrate into drinking water wells or cause vapor intrusion problems. Locating the chlorinated solvent DNAPL can be extremely difficult, but is a key aspect to proper cleanup of the contaminated groundwater.

The workshops were held in Westford and Sturbridge, Massachusetts and were attended by more than 170 regulators and consultants. At NEWMOA's two workshops, attendees learned of two cutting-edge DNAPL characterization tech-

niques. John Williams of the U.S. Geological Survey presented on high-tech borehole geophysics, and Dr. Todd Hallihan of Oklahoma State University demonstrated advances in computer capabilities that enable detailed three and four dimensional imaging of the subsurface. In addition, consultants presented numerous case studies of methods they have successfully used to locate DNAPL. NEWMOA plans to sponsor a follow-on workshop, "Remediation of Chlorinated Solvent Sites in FY 2008." Presentations are available at: <http://www.newmoa.org/cleanup/cwm/chlor2007>.

## States Innovate to Develop Common Performance Measures

Improved performance measurement is the key to using state inspection resources more efficiently and effectively since changes in the environmental performance of an entire business sector or group can be reliably evaluated with a relatively small sampling of facilities when the proper measurement procedures are used. New approaches to measuring environmental performance were developed to support the Environmental Results Program (ERP), an innovative program for improving the environmental performance of selected business groups, such as dry cleaners, printers, and dental clinics that was first developed by the Massachusetts Department of Environmental Protection (MassDEP). At last count, at least 20 states, including all of the NEWMOA member states, are using or actively engaged in learning to use ERP methods.

Business groups or sectors are selected for an ERP based on three factors: their potential for causing environmental harm; consistency in their operations, waste generation, and emissions; and when their large numbers make traditional inspection and enforcement approaches impractical.

Generally, ERP strategies involve: developing compliance and best management practices guidance, checklists, and other information for the selected business group that explain environmental protection requirements and enlist

their cooperation; securing help from related business associations/trade groups; soliciting commitment/certification from businesses in the sector stating that they are following prescribed practices and have acquired and use the appropriate equipment properly; and measuring the results through inspections of a statistically valid representative sampling of the firms using ERP performance measurement procedures. States must use common indicators and approaches to facilitate valid cross-state comparisons of performance results. This, in turn, enables states to identify and adopt the most effective and efficient strategies to achieve better compliance and environmental improvement.

Impressed with the success that a few states were experiencing with ERP approaches, NEWMOA member states and others outside the Northeast region collaborated to compete for an EPA State Innovations Grant for implementing ERP performance measurement efforts consistently among the participating states. The Common Measures Project, funded by EPA in FY 2006, with Massachusetts as the lead state, began with training state professionals in the science of performance measurement. The training emphasized the selection of appropriate performance indicators and the use of statistically valid approaches for gathering, interpreting, and reporting results. During fiscal year 2007, the participating states began to apply that training.

The states agreed on small quantity hazardous waste generators as the first group to measure using a common approach. State staff worked together to develop a common set of performance indicators and related checklists. Hazardous waste field inspectors reviewed, critiqued, and received training on the use of the checklists to ensure consistent interpretations and approaches among the states. By the end of fiscal year 2007, most participating states had completed or nearly completed their agreed number of small quantity hazardous waste generator inspections. In the meantime, the participating states also agreed to collaborate in measuring performance of the auto body repair and refinishing sector. Work on developing common performance indicators for the auto body sector will begin in 2008.

During fiscal year 2008, the participating states will report the first round of quality-assured environmental performance data from multiple states that will support valid comparisons of environmental results using the ERP approach. The data will be gathered and analyzed under the framework of a rigorous quality assurance plan to ensure the validity of reported results. Professional staff from each of the participating state agencies will have completed training and gained practical experience in perfor-

## New National Association to Advance ERP

An initial All-States Environmental Results Program (ERP) meeting in October 2006 led to the establishment of the States ERP Consortium, an organization of 22 states dedicated to advancing and supporting the development of ERP. During FY 2007, NEWMOA provided administrative and management support, made possible by the Common Measures Project funds awarded by EPA, to assist with the establishment of the new Consortium. The membership includes EPA and consultants that have been active in providing technical assistance to ERP programs in such areas as statistics, measurement, and data management software applications. NEWMOA assisted with planning and managing a second ERP All States Consortium meeting in August 2007 to establish priorities and next steps for the Consortium.

For more information, visit: <http://www.erpstates.org/>.

**Work on developing common performance indicators for the auto body sector will begin in 2008.**



mance measurement using appropriate statistical methods and quality assurance procedures. By working together on this project, EPA and the states are establishing ERP as a mainstream approach for improving environmental performance with less government involvement and better, more verifiable, environmental results.

For more information, visit: <http://www.newmoa.org/hazardouswaste/measures/>.

# Mercury Reduction

**N**EWMOA and its sister organizations, the Northeast States for Coordinated Air Use Management (NESCAUM) and the New England Interstate Water Pollution Control Commission (NEIWPCC), collaborated on a set of reports that describe some of the results of mercury reduction programs in the northeast region that have targeted emissions controls, reduction and proper management of mercury-containing products, and wastewater discharges. The Executive Summary of the results of the three reports and each individual report are available at <http://www.newmoa.org/prevention/mercury/publications.cfm>.

NEWMOA's report, "Northeast States Succeed in Reducing Mercury and Continue to Address Ongoing Challenges," presents a brief quantitative summary of mercury reduced from waste or wastewater streams as a result of key initiatives in the Northeast. Overall, the state programs reported that more than 7.5 tons of mercury were collected and recycled in the NEWMOA Region from 2000 to 2006, including mercury removal from schools, fever thermometer collection, and household hazardous waste collection. In addition, approximately 14 tons were eliminated through restrictions on products sales in the Region from 2000 to 2006.

## Interstate Mercury Education & Reduction Clearinghouse

During the fiscal year, NEWMOA continued to develop and support its key mercury reduction program, the Interstate Mercury Education & Reduction Clearinghouse (IMERC). IMERC staff coordinated communications and collaboration among the 13 state members of IMERC, focusing on product notification, phase-out, labeling, and enforcement. In addition, IMERC staff facilitated deliberations of the participating state members to focus on the future priorities and directions of IMERC activities.

IMERC conducted ongoing outreach efforts to educate companies regulated by the various IMERC-member state mercury reduction laws. Staff sent hundreds of letters and emails to companies regarding their compliance with state mercury-added product legislation; answered numerous

phone calls and emails regarding state mercury legislation; published an issue of "IMERC Alert" in Spring 2007; created an online Frequently Asked Questions Webpage; and updated the online notification, phase-out, and labeling guidance available on IMERC's Webpages.

IMERC staff also populated the online Mercury-added Products Database (<http://www.newmoa.org/prevention/mercury/imerc>) with notification information from more than 190 companies. By the end of the fiscal year, these efforts resulted in the presentation of data from nearly 500 companies reporting on over 4,300 mercury-added products in the database. The staff initiated an analysis of total mercury data from calendar years 2001 and 2004 for 12 mercury-added product categories. This research, funded by a grant from EPA, will result in a report, "Trends in Mercury Use in Products: Summary of the IMERC Mercury-added Products Database," to be published in Spring 2008.

For more information, visit: <http://www.newmoa.org/prevention/mercury/imerc.cfm>.

## Promoting Lamp Recycling

NEWMOA continued to support state efforts to promote lamp recycling in FY 2007 through ongoing information sharing and submitting comments to EPA on regulation of lamp treatment methods. In particular, the member states prepared and submitted to EPA two letters providing comments on the Agency's policy and regulatory efforts on drum top crushers. Drum-top crushers (DTCs) are devices that fit on the top of 55-gallon drums and crush fluorescent lamps into the container. EPA released a long-anticipated study of mercury releases from use of drum-top crushers in FY 2007. The study was conducted to provide data that states could use to determine their regulatory framework under state hazardous waste requirements for these units.

The NEWMOA member states found the results of the EPA study of particular concern. In the first letter to EPA in March 2007, NEWMOA members stated, "The results clearly show significant potential for harmful mercury exposure to the operators of these units and to other

individuals in buildings where the drum-top crushers (DTCs) are operated. We therefore urge EPA to more publicly confirm that use of DTCs under any circumstance constitutes treatment under the Resource Conservation and Recovery Act (RCRA) Subtitle C, thereby making it subject to the appropriate regulatory requirements and restrictions. ...NEWMOA's member states are so concerned about the problems with DTCs that they have moved ahead of EPA in restricting their use. Vermont, Maine, and Rhode Island prohibit DTCs outright, while New York, New Hampshire, Connecticut, New Jersey, and Massachusetts place many restrictive conditions on their use." In a September 2007 follow-up letter to EPA, NEWMOA "strongly urge[d] EPA to make a clear determination that DTCs are treatment as defined under RCRA and that all states must base their regulatory determinations on that policy. We urge EPA to resolve this key policy question before developing... proposed guidance." As part of its efforts to share infor-

**Overall, more than 7.5 tons of mercury were collected and recycled in the NEWMOA Region from 2000 to 2006.**



mation on drum top crushers, NEWMOA prepared a summary of the NEWMOA state restrictions and requirements, which is available on the EPA website at: <http://www.epa.gov/epaoswer/hazwaste/id/univwast/drumtop/newmoa.pdf>. NEWMOA will continue to track EPA regulatory and policy determinations concerning drum top crushers in future years.

Throughout the fiscal year, NEWMOA facilitated information exchanges and collaboration regarding a study by the Maine Department of Environmental Protection (ME DEP) on the proper cleanup of broken compact fluorescent lamps (CFLs). This study was initiated in FY 2007 and will be completed in FY 2008. NEWMOA's Lamp Recycling Workgroup shared information on state cleanup guidance for broken CFLs and ideas on the study and its methodology throughout the fiscal year.

## **Achievements in Mercury Reduction in Schools**

In fiscal year 2007, the Massachusetts Department of Environmental Protection (MassDEP) funded NEWMOA for a seventh year to assist in identifying and removing elemental mercury and mercury-containing products from public schools in Massachusetts. After working mainly with high schools and middle schools during the previous years, MassDEP and NEWMOA decided to expand the program to include a "pilot project" for mercury removal at state colleges and universities in 2007.

NEWMOA worked with a total of 27 schools (14 high schools, 8 middle or K-8 schools, and 5 state colleges or universities) to help remove 196.5 pounds of mercury. As part of the pilot, NEWMOA removed over 142 pounds of mercury from the state colleges alone. Overall, NEWMOA has helped to remove over 1,274 pounds of mercury from Massachusetts schools since beginning the program in January 2001.

In addition to working directly with the schools to remove mercury, NEWMOA researched the feasibility of non-mercury alternative equipment and prepared a report, "Mercury Use in School Classrooms: Summary and Assessment of Non-Mercury Alternatives" (<http://www.newmoa.org/prevention/mercury/schools/MercuryAlternativesReport.pdf>). This report describes where mercury and mercury-containing equipment are commonly found in schools and identifies appropriate non-mercury alternatives for schools, based on availability, compatibility, and cost.

In a related effort, under contract with the New York State Department of Environmental Conservation (NYS DEC), NEWMOA co-delivered ten half-day workshops on school mercury reduction and cleanout to educate school officials in New York from September 2006 – May 2007. The workshops were held in partnership with the NYS Board of Cooperative Education Services (BOCES) regional offices in West Seneca, Olean, Watertown, Malone, Saratoga Springs, Norwich, Ithaca, Elmira, Lakeville, and Binghamton. Approximately 146 facility managers, teachers, administrators, and health and safety coordinators from more than 40 counties in New York State attended the workshops.

For more information, visit: <http://www.newmoa.org/prevention/mercury/schools/>.

## Training State Hazardous Waste Inspectors to Improve Performance

Each year in August, NEWMOA polls member state hazardous waste program managers to learn about their training priorities for state hazardous waste inspection staff in the coming year. The results of the polling are discussed in conference calls with state and EPA managers and staff to build consensus on the training topics for the coming year, including monthly training web conferences/conference calls as well as a day-long “Advanced Hazardous Waste Inspector” face-to-face workshop. The results of these planning efforts are incorporated in a NEWMOA Annual Training Plan that combines all of NEWMOA’s training tracks (including hazardous waste, solid waste, site cleanup/Brownfields, and P2 and compliance assistance). Each track of the NEWMOA Training Plan is reviewed and approved by a state chair for that program area, and the combined plan is submitted for approval to the NEWMOA Directors at their Annual Meeting.

The annual “Advanced Hazardous Waste Inspector Training Workshops” for 2007 were held at the EPA Region 2 Laboratory in Edison, NJ and in Sturbridge, MA. Each of the workshops included a presentation by Bob

**The movement of hazardous secondary materials off the site of generation as commodities raises serious concerns about accountability, tracking and transparency.**



Stewart, a Senior Scientist with Science Applications International Corporation (an EPA, Office of Solid Waste contractor with expertise in waste analysis methods), who spoke about the regulatory requirements for waste characterization and the best approaches for collection, management, and analysis of waste samples, and the interpretation of results. Sessions on electronic evidence featuring EPA

attorneys from EPA Region 2 and an Enforcement Specialist from EPA Region 1 were presented at both sessions. The workshop provided detailed guidance for ensuring that electronic evidence, such as digital pictures/videos, is gathered and maintained in a manner that protects its validity for legal/enforcement purposes. Finally, at each Workshop, John Castner, P.E., Director of County Environmental and Waste Enforcement, New Jersey Department of Environmental Protection (NJ DEP) described recent federal court decisions and ongoing state and federal litigation concerning rail carrier waste transfer operations, related environmental problems, and the implications for state solid waste programs.

NEWMOA also held monthly web conferences or conference calls on topics selected by state hazardous waste program managers. Topics covered through these calls in fiscal year 2007 included:

- State and EPA issues and policies concerning pharmaceutical waste
- Innovative state oversight tools, such as self certification, Environmental Results Programs, and standardized permits
- State policies concerning management of gasoline/water waste from gas stations and auto salvage operations
- State regulation of precious metals bearing wastes, including spent photo fixer
- EPA and state closure requirements for large and small quantity hazardous waste generators
- Bankruptcies and RCRA compliance and enforcement
- State and EPA hospital compliance issues and outreach programs
- State and EPA methods for determining the economic benefit of non-compliance for enforcement purposes
- State policies and procedures for streamlined/cross-media inspections
- Review of EPA’s proposal to revise the definition of solid waste

## Consensus on Proposed Changes to the EPA Hazardous Waste Rules

During FY 2007, EPA proposed major revisions to the regulatory Definition of Solid Waste with the intention of encouraging greater recycling of hazardous wastes. NEWMOA organized conference calls, involving EPA Headquarters staff, to review and discuss the lengthy proposal and supporting discussion documents. NEWMOA staff gathered draft state comments on the proposal and, drawing from these, prepared a consensus position. Essentially, most NEWMOA states identified parts of the proposal that they supported, but all of the states remained concerned about provisions that would allow hazardous secondary materials (HSMs) to leave the site of generation without the regulatory safeguards provided under the existing hazardous waste programs.

According to the letter submitted by NEWMOA to EPA, “The movement of HSMs off the site of generation as commodities raises serious concerns about accountability, tracking, and transparency that states fear would lead to abuses and releases that would be impossible to detect until damage has occurred. While EPA’s assumptions about deregulating HSMs may be valid for large corporations that attentively manage and document their environmental performance, the regulated community in most NEWMOA states consists largely of small businesses that, generally, have less capability regarding compliance matters than larger firms. The clear responsibilities embodied in the present regulatory scheme have served a valuable purpose for this group and should not be reduced to the extent that is now proposed. State recommendations to remedy this problem with the proposal range from more robust/detailed notification requirements, accompanied by specific mandatory record-keeping requirements, to streamlined recycling permit requirements, such as Massachusetts, Connecticut, New Jersey, Maine, and others, presently employ. The features of widely used, and apparently successful, state recycling permit programs should be examined to determine how HSM recycling could be further encouraged, while retaining more regulatory assurances, accountability, transparency and, when all else fails, enforceability. In this regard, the NEWMOA states unanimously agree that all four elements of the legitimacy criteria should be mandatory, with specific guidance concerning the level of diligence and record keeping required.”

The NEWMOA member states were also concerned about having inadequate resources to appropriately monitor the less rigorous proposed EPA approach. In their comments they stated, “the added uncertainty and risk that would follow widespread adoption of these proposals would come at a time when most state environmental agencies have reduced hazardous waste compliance, enforcement, and permitting resources because of state budget cutbacks and the level funding of EPA state assistance grants for hazardous waste programs.”

## Assisting Oil Spill Action in Massachusetts

Under a contract with the Massachusetts Department of Environmental Protection (MassDEP), NEWMOA provided administrative, planning, and management assistance to the Agency as it implements comprehensive state legislation aimed at preventing coastal oil spills from marine transportation and other accidents, and improving the capability of local responders to protect coastal assets from spill damage. NEWMOA organized a meeting of Oil Spill Program Directors from the NEWMOA member states to exchange information on the key features of state prevention and response programs; and interviewed senior U.S. Coast Guard and other officials to gather information about their views on priorities for improving spill prevention and response in the Region. NEWMOA also helped MassDEP to organize the first and second Oil Spill Advisory Committee meetings under the Oil Spill Act and meetings of the Prevention and Training Subcommittees, and assisted with plans for training municipal responders from the communities located on Buzzard’s Bay. Finally, NEWMOA helped to draft the Interim Plan for Implementing the Oil Spill Act Provisions.

During FY 2008, NEWMOA expects to be active in developing and implementing training for municipal responders and for marine transportation professionals as well as assisting in the completion of a Strategic Plan that MassDEP is developing for implementing the Oil Spill Act.

## Beneficial Use Determination & the Resource Conservation Challenge

**M**any manufacturing facilities generate material that is not incorporated into the product and instead is disposed of. Sometimes this by-product material is contaminated with hazardous materials and should be safely disposed of. However, by-products are often not hazardous and could be reused if a market existed. EPA has issued the Resource Conservation Challenge (RCC) to government and industry to promote appropriate byproducts as a resource and not a waste. Non-hazardous byproducts are regulated by state solid waste programs, and state approval is necessary for reuse of a particular industrial byproduct to occur.

Each of the NEWMOA member states have established some form of a beneficial use determination (BUD) process to handle requests from byproducts generators and potential users to use a particular waste in a specific product.

However, the existing state-by-state approach to issuing BUDs is resource intensive (since each state must evaluate all submitted data and make its own determination), and may unnecessarily limit the reuse of industrial byproducts. A mechanism for sharing BUD decisions and implementation experiences among states could help those decisions be made more cost-effectively and quickly, and assist with meeting EPA's RCC goals.

To help address this information sharing need, NEWMOA developed a database of BUDs issued by the NEWMOA states in 2001. At that time, a BUDs Workgroup was established by NEWMOA to share information about BUD standards, criteria, and practices among member states. The Workgroup determined that members would like to use a searchable database to provide information about approved waste/use combinations and obtain contact information for the state agency staff issuing the BUD. Workgroup members agreed that extensive information about the BUD itself was not necessary as they would rather contact staff in the state agency that could answer their questions directly.

Since the database was developed in 2001, both states and EPA have become increasingly interested in expanding the

information available in the database about each BUD. In addition, the NEWMOA states would like the database to contain information about BUDs issued by states outside the NEWMOA region.

In FY 2007, with funding from an EPA RCC grant, NEWMOA began working with states and EPA to improve and expand the existing NEWMOA BUDs Database to better serve state needs. The NEWMOA BUDs Workgroup was expanded to include five states outside the NEWMOA region: Florida, Indiana, Minnesota, Pennsylvania, and Wisconsin. NEWMOA is also working with EPA and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to make all states aware of the database.



**Members would like to use a searchable database to provide information about approved waste/use combinations.**

Throughout FY 2007, NEWMOA engaged the Workgroup to better understand the information they currently collect from companies, the information they would like available in the database, and the information they can realistically provide. A significant improvement to the database is including a field to present data on the quantity of material reuse enabled by BUDs. This quantitative information could help efforts to measure changes in industrial byproduct reuse over time. Final changes to the database structure and its population by states will occur in FY 2008. The BUDs Database is available in the "members only" area of the NEWMOA website and is password protected.

The ultimate goal of the project is to encourage the beneficial reuse of industrial byproducts and construction and demolition (C&D) debris and a decrease in the quantity of material requiring disposal. By providing information

about particular waste/use combinations that other states have already addressed, the database can help states' BUD decisions be more efficient and cost-effective. Increasing the efficiency of the state BUD review process would benefit generators of industrial byproducts and C&D wastes by reducing some of the regulatory disincentives they encounter. The database should also greatly improve the

information available about the quantity of byproducts reuse that is occurring. The database can be useful to determine the waste/use combinations that are already common across several states in order to share that information with EPA, states, and byproducts generators and users, and by doing so promote acceptance of that waste/use combination in other states.

## Promoting Sustainable Production & Pollution Prevention

### Energy & Materials Flow & Cost Tracker

NEWMOA and the Massachusetts Office of Technical Assistance (MA OTA) for Toxics Use Reduction have been collaborating to develop and pilot test a materials use and profitability software tool called Energy & Materials Flow & Cost Tracker (EMFACT). The project builds upon the current application of environmental management accounting as a critical aspect of sustainable production and pollution prevention (P2).

The primary beneficiaries of this project will be those companies and organizations that implement EMFACT to aid them in implementing materials and energy efficiency improvements, setting P2 priorities, and identifying value-added opportunities for sustainable production. State and local environmental and technical assistance programs and private sector consultants will also benefit by having the tool to help their client companies identify P2 opportunities and quantify the benefits and costs.

In FY 2007, NEWMOA contracted with SYS Technologies to develop the EMFACT tool and to provide training support. SYS Technologies was selected by NEWMOA and MA OTA after a lengthy procurement process and competition among a number of highly qualified vendors. NEWMOA, MA OTA, and SYS Technologies initiated development of EMFACT in 2007 with ideas and input from the EMFACT Advisory Group that includes participants from a variety of government agencies, manufacturers, consultants, non-governmental organizations, and academic

researchers. NEWMOA anticipates that a beta version of EMFACT will be available for review in FY 2008 and hopes to post the final tool for free download on its website by late spring 2008.

For more information, visit: <http://www.newmoa.org/prevention/emfact/>.

### Northeast Assistance & Pollution Prevention Roundtable Training

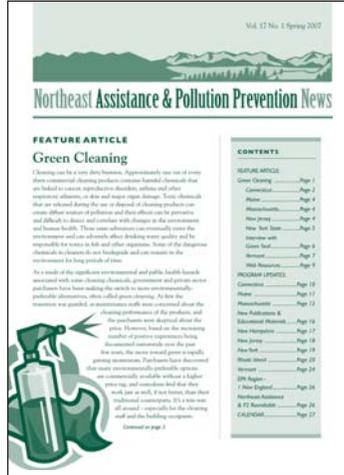
NEWMOA convened five web conferences involving federal, state, and local assistance and pollution prevention staff in fiscal year 2007. These training events focused on pollution prevention grants, green cleaners, pollution prevention techniques for spray painting operations, pollution prevention for printers, and integration of pollution prevention into EPA and state regulatory programs. These events were well attended, attracting approximately 115 participants. Visit <http://www.newmoa.org/prevention/webconferences/> to view the excellent presentations from these web conferences.

NEWMOA also held a two-day summer workshop/meeting with a focus on methods for conducting assessments of chemical alternatives and standards for determining safer products, climate change actions in the states, and efforts to promote reductions in the use of trichloroethylene (TCE) by small manufacturers in the region.

For more information, visit: <http://www.newmoa.org/prevention/cwm/>.

## Northeast Assistance & Pollution Prevention News

NEWMOA published two issues of its newsletter, *Northeast Assistance and Pollution Prevention News*, in fiscal year 2007. The Spring 2007 issue featured an in-depth article on efforts by the Northeast states to promote green cleaning products and methods. The newsletter included an interview with Green Seal on their efforts to certify green cleaners and implement a process to improve their green cleaner standard. The Fall 2007 issue featured an in-depth article on efforts in the Northeast to promote demand for and increase supply of biofuels. This issue included an interview with Neil Murphy, President of the State University of New York College of Environmental Science and Forestry, on the “Future of Ethanol” in the Northeast. Dr. Murphy is a leading biofuels researcher, and he is focusing on an initiative to develop methods of generating ethanol from locally-available wood. Both issues of the newsletter also covered recent assistance and pollution prevention projects and initiatives underway in the Northeast States and by EPA Regions 1 and 2. To view these newsletters, visit: <http://www.newmoa.org/prevention/newsletter.cfm>.



## Assistance & Pollution Prevention Measurement

For more than 15 years, the Northeast states have collaborated through NEWMOA to develop and enhance the ability of the environmental agencies to evaluate and measure the impacts of programs focused on environmental assistance and pollution prevention. The state programs have found developing and implementing meaningful outcome measures of environmental assistance and pollution prevention to be challenging. In fiscal year 2007, NEWMOA held two regional workshops on pollution prevention and environmental assistance measurement – one for the New England states and one for New York and New Jersey. These important workshops focused on the tools available for

managing, aggregating, and analyzing data on these programs and their activities; methods for collecting data from clients and the regulated community; and initiatives underway by various programs to address this challenge. Over 35 state and local government officials participated in one of these regional meetings.

NEWMOA also supported its member states by implementing and collecting data for the National Pollution Prevention Results System. This system is designed to collect and present readily available data on waste reduction and pollution prevention from state agencies and other programs. The System quantifies P2 progress related to air, water, waste, and energy resources and is designed to assist pollution prevention programs by:

- Providing a data repository for their activity, behavioral change, and outcome measures
- Providing secure, aggregated program-level reports
- Providing regional reports aggregating pollution prevention results
- Providing nationally aggregated results for the National Pollution Prevention Roundtable (NPPR), U.S. EPA, and the federal Office of Management and Budget (OMB)
- Demonstrating the value-added services provided by pollution prevention program efforts through the implementation of customized cost calculators

The System is designed to translate P2 progress into the context of such big-picture issues as climate change, habitat, and sustainability. By the end of fiscal year 2007, NEWMOA had compiled and displayed data from all of its member states. To view the P2 Results for the Northeast, visit <http://www.newmoa.org/prevention/measurement/>.

## Ten Years of P2Rx

For a decade, NEWMOA has been a part of the Pollution Prevention Resource Exchange (P2Rx™), a national network of eight regional information centers dedicated to improving the dissemination of pollution prevention (P2) information and promoting sustainable practices. The national goals of P2Rx are to:

- serve as the first stop for P2 information;
- increase the awareness and usability of P2 information; and
- facilitate dynamic regional P2 networks

In 2006 - 2007, NEWMOA was the P2Rx National Program Manager, coordinating the collective efforts of all of the P2Rx Centers.

P2Rx's goals support NEWMOA's ongoing efforts to promote the adoption of P2 strategies and technologies as an important component of sustainability. NEWMOA continues to identify information needs in this area and to develop innovative solutions that address those challenges. To this end, in 2007 NEWMOA expanded the P2 resources on its website, including:

- P2Rx Topic Hubs™  
<http://www.newmoa.org/prevention/topichub/>
- Pollution Prevention (P2) News  
<http://www.newmoa.org/prevention/p2news/>
- Innovative Pollution Prevention Technology Profiles  
<http://www.newmoa.org/prevention/p2tech/>
- Pollution Prevention & Assistance Programs Directory  
<http://www.newmoa.org/prevention/programs/>
- Pollution Prevention & Assistance Activities Database  
<http://www.newmoa.org/prevention/activities/>
- National Mercury Reduction Programs Database  
<http://www.newmoa.org/prevention/mercury/programs/>

### NEWMOA Listservs

Listservs provide email subscribers with a forum to share information and ideas on a particular topic. Participants post messages to the listserv so that other subscribers can respond and/or read each other's comments.

NEWMOA-sponsored listservs that are open to all interested parties:

- Environmental Management Accounting
- Green Building
- Air List

NEWMOA-sponsored listservs whose members are restricted:

- Auto Recycling
- EMFACT Project Advisory Committee
- Integrated Chemicals
- Lamp Recycling
- Marina Outreach and Assistance Workgroup
- Mercury Policy and Legislation
- Northeast Assistance and Pollution Prevention Roundtable
- Pollution Prevention and Compliance Assistance Measurement

To join a NEWMOA listserv, contact Rachel Colella at [rcolella@newmoa.org](mailto:rcolella@newmoa.org).



### NEWMOA Website

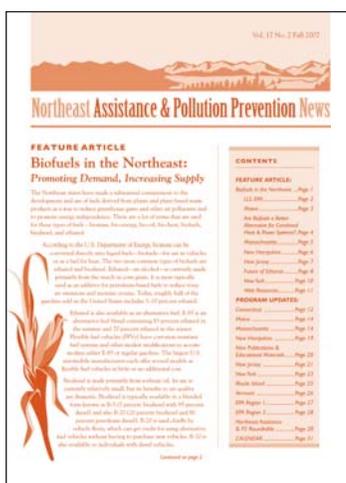
Since its launch in 1997 the NEWMOA website ([www.newmoa.org](http://www.newmoa.org)) has played an increasing role in the operation of the Association and the fulfillment of its mission. As highlighted throughout this report, the website

acts as a clearinghouse of information about NEWMOA, its activities, and resulting work products. In fiscal year 2007, the website underwent significant upgrades to accommodate its expanding role in NEWMOA's operation. New features were added, such as a site-wide search feature, a site map, and drop-down navigation menus to help visitors more quickly find information. The back-end architecture of the site was also upgraded to accommodate future growth.

More than 189,000 individuals visited the NEWMOA website in 2007, viewing more than 650,000 pages.

# NEWMOA Funding

**N**EWMOA 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 to NEWMOA. The NEWMOA Board of Directors determines the specific amount each year in consultation with U.S. EPA Region 1-New England. New York and New Jersey elect to pay their annual dues directly to NEWMOA. IMERC member states also pay annual dues directly to NEWMOA to fund IMERC's activities.



U.S. EPA grants support general solid waste activities, pollution prevention projects, the Common Measures Project, hazardous waste inspector training, and participation in federal regulatory development. Grants for these activities are awarded by a combination of U.S. EPA Region 1-New England, EPA Region 2, and EPA Headquarters, and occasionally by other agencies and institutions.

Contributions from member states in the form of 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 mercury reduction, IMERC, oil spill cleanup, and Brownfields programs.

## NEWMOA's Balance Sheet

October 1, 2006 to September 30, 2007

### Revenue

|   |                     |
|---|---------------------|
| State Dues, Contracts, Fees, Contributions and In-Kind Services/Match | \$ 179,607          |
| Federal Grants*   | 1,053,296           |
| Miscellaneous   | 4,776               |
| <b>Total</b>  | <b>\$ 1,237,679</b> |

### Expenditures

|                           |                     |
|---------------------------|---------------------|
| Staff Salaries & Expenses | \$ 671,238          |
| Travel & Meetings         | 168,674             |
| Office Expenses           | 364,758             |
| <b>Total</b>              | <b>\$ 1,204,670</b> |

### Net Assets

|                                 |                  |
|---------------------------------|------------------|
| Net Assets at Beginning of Year | \$ 308,465       |
| Net Assets at End of Year       | 341,474          |
| <b>Net Change in Assets</b>     | <b>\$ 33,009</b> |

*\*Federal grants include \$142,000 in state assistance grants allocated to NEWMOA at the request of the New England states. Federal grants also include awards to states that were provided to NEWMOA through state contracts.*

# Northeast Waste Management Officials' Association (NEWMOA)

## About NEWMOA

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The Northeast Waste Management Officials' Association (NEWMOA) is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup, and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, and pollution prevention activities and support state waste programs, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986.

## NEWMOA's Mission

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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, in order to achieve a clean and healthy environment. The Association fulfills this mission by providing a variety of support services that:

- facilitate communication and cooperation among member states and between the states and the US EPA; and
- support the efficient sharing of state and federal program resources to help avoid duplication of effort and to facilitate development of regional approaches to solving critical environmental problems in the region.



*Participants in the June 2007  
NEWMOA Board of Directors' meeting.*

**N E W M O A**



**Northeast Waste Management  
Officials' Association**

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