



Environmental Due Diligence Guide

REPORT

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An Insider's Perspective

Looking Ahead, Revitalization of Cleanup Programs Is on the Horizon

While the Environmental Protection Agency made “stupendous efforts in reform” to make cleanups faster, fairer, and more efficient during the 1990s, those efforts along with the agency’s “culture of completion” have lagged and need to be revitalized, a former EPA assistant administrator told BNA July 6.

Marianne Horinko, president of The Horinko Group, told BNA the agency must to take another look and focus on remedy optimization. For example, is pumping and treating really the best way to go? “We need to step back and see if this [approach] is a cost effective use of the money or are we really just chasing the tail of the plume,” she said. Horinko was the assistant administrator for the Office of Solid Waste and Emergency Response at EPA from 2001-2004 and also served as the agency’s acting administrator from July until November 2003.

New Leadership

The new OSWER assistant administrator Mathy Stanislaus “is a great choice and will be an outstanding assistant administrator,” Horinko said. He understands the importance of diversity and envi-

ronmental justice, is innovative, and cares about people, she added. Under his leadership, Horinko expects to see a rebirth of the agency’s culture of completion.

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— MARIANNE HORINKO,
THE HORINKO GROUP

Looking to what might be expected for the next generation of cleanup programs, sustainable remediation is one area where Horinko anticipates a great deal of emphasis and progress.

“EPA headquarters is spreading the gospel about green remediation,” she said, and the agency along with corporations like Dupont have made tremendous progress in green remediation technologies, she noted. Because the green remediation technology and sustainable approaches tend to be more cost efficient and less invasive, they have been well received by communities, corporations, and the states.

Climate change and sustainability initiatives are bolstering green remediation efforts tremendously. With green remediation, “you will get a lot more value in remediation

dollars if you create remedies that create reuse as a renewable energy source,” Horinko said. However, the challenge is to get bureaucrats, companies, and communities to think creatively and take a risk, she added.

Long-Term Stewardship Trust

Long-term stewardship will be another major area of focus during the next round of cleanup reform, Horinko said. In fact, The Horinko Group, in partnership with the Greenfields Environmental Trust Group, is working to create a non-profit organization that would manage a national long-term stewardship trust.

Under the model, responsible parties would donate the cleaned up land to a local land trust and the trust would monitor institutional controls in perpetuity. In so doing, the responsible parties would make a monetary donation to the local land trust, which, in turn, would use the property to create value as a renewable resource.

This model also would encourage the reuse of brownfield sites for renewables, Horinko said.

The partnership has proposed the long-term stewardship trust pilot to the Environmental Protection Agency’s Region I office and will receive properties not only from the superfund program but all of the cleanup programs, she said.

Another area where change will be seen is in conjunction with the Comprehensive Environmental Response, Compensation, and Liability

Act's Section 108 financial assurance regulations, the development of which will bring stakeholders to the table to discuss the future of remediation programs and how they should be funded, Horinko said.

Additional Reforms

Horinko also predicts another round of corrective action reforms under the Resource Conservation and Recovery Act that focus on getting mothballed sites back to reuse.

She also said the agency is looking into additional brownfields pilot programs that would focus on the reuse of former automobile manufacturing facilities and sites. In addition, she expects to see greater use of memoranda of understanding and work-sharing agreements, with more and more emphasis on environmental justice and community issues in all cleanup programs.

As to the biggest challenges facing cleanup programs moving forward, Horinko identified the agency's limited budget and succession planning

as the biggest problems. As senior people retire, there is a critical need for "bringing along the next generations of seasoned environmental managers that have some sense of institutional history, who know when to take risks, and know when to toe the line."

The Horinko Group is a boutique environmental policy consulting firm that provides litigation support and regulatory assistance. More information is available on the Web at <http://www.thehorinkogroup.org>.