Environmental Cleanup On Air Force Installations Essay, Research Paper

I. Introduction

To improve the hazardous waste site cleanup process the Air Force (AF), in cooperation with the EPA Region IV and State of Florida, has implemented a facilitated

alternate dispute resolution (ADR) partnering process to improve communication and expedite site restoration. The ADR process initiated in Florida represented a

significant change from use of litigation as a dispute resolution tool to using a facilitated team approach for resolving issues and concerns. The AF developed the Florida

program as a model to enhance its environmental program nationwide.

The partnering program has been in operation for approximately 2 years. The field level operations teams have reduced the reporting requirements, shortened program

review times, and implemented cleanup action ahead of schedule. By contrast, however, upper and middle management teams have not made similar progress using

facilitated teams as a dispute resolution process. An evaluation of the current model will identify process improvements for management teams, which will allow the

facilitated team dispute resolution process to be implemented on Air Force installations nationwide at both field and supervisory levels.

Improvement in the facilitated partnering process at the management level will allow export of the Air Force/EPA Region IV/Florida model nationwide to improve the

quality and cost effectiveness of the Air Force hazardous waste site cleanup program.

II. Background

Most costs associated with cleaning up hazardous waste sites should be from the activities associated with site clean up. In many cases, the investigative costs have been

inflated due to poor communication between the military and state/federal regulatory authorities . Historically the AF has taken a standard litigation approach to resolving

disputes with state and federal regulatory authorities. This is especially true at sites regulated under the Comprehensive Environmental Response, Compensation, and

Liability Act, which allows the AF to act as the lead agency instead of the regulatory authorities. To improve this process the Air Force, EPA Region IV and the State of

Florida are working together to build trust, communicate and resolve issues. Communication and trust are the building blocks to making the ADR successful.

In simplistic terms, the environmental regulatory process for hazardous waste clean up is a paper nightmare. Prior to proceeding with any action the responsible party

must submit plans and documentation to the regulatory authority for review/comment /approval. This creates a paper shuffle in both directions and the goal of

environmental cleanup can be delayed in the bureaucracy is lost somewhere in the pile. The facilitated ADR process initiated by the Air Force, EPA, and Florida has

three tiers: agency decision-makers (Tier I), mid-level program managers (Tier II), and field level operations managers (Tier III). The respective agencies agreed to

switch from litigation as a means for dispute resolution to a facilitated ADR. Facilitated ADR in this process includes using a facilitator at each meeting, consensus

agreement of each team, and the inclusion of team building workshops as part of the program. The primary goals of the partnering efforts are to involve all parties in real

time decision making and push the decision making process to the field operations level. The program has been operating for approximately 2 years. The success stories

published by the middle level management team (Tier II) indicate the facilitated ADR has reduced the overall cost of the cleanup program. Facilitated ADR has built trust

between the regulators and Air Force personnel. In addition to expediting and improving the decision making process ADR has created a consensus plan prior to

presenting the cleanup recommendation for public review. The success of the Tier III partnerships are only overshadowed by the lack of success at the Tier I and Tier II

levels for enhancing ADR throughout Air Force environmental program. The specific requirements and structure of the teams need to be evaluated and revised to meet

the goal of supporting Tier III programs.

III. Evaluation

To determine the success of the Florida ADR program an evaluation of each tier as well as the entire program was completed. A summary of the program evaluations is

presented below.

Tier I

Initially the Tier I Team did an excellent job of developing and implementing the ADR structure for use by the Tier II and III Teams. In addition, the team set up

mandatory training and team building requirements which would expedite each teams group dynamics of “storming, norming and performing.” Upon completion of this

phase for the AF the Tier I team expanded its focus to include other defense agencies. With the expanded focus the team grew from approximately 15-20 participants to

approximately 40 “decision makers”. This group included multiple representatives from each agency. The group also failed to follow the principal rule of consensus

decision making of “Preparation, Preparation, Preparation”. The size of the team and the lack of preparation and commitment on the issues of funding, communication,

organization representation, and scope have made the Tier I team unproductive over the last 9-12 months. The team has been meeting 6-8 times per year.

Tier II

The Tier II Team was implemented as management position with the primary purpose of supporting Tier III. The group has a membership of 25 representatives

predominantly from the AF. With limited direction from Tier I the Tier II Team developed several goals which include:

- Management support of Tier III teams

- Documenting successes/failures of the program

- Cross-feed of information

- development of statewide cleanup standards

The Tier II Team has supported Tier III teams, but has had limited success in cross feed of information and developing cleanup standards. The success stories published

by the Tier II team indicate the use of ADR is cost effective. The ADR program in Florida, procured by the AF, has an average annual cost of $250,000.00. The success

stories identify cost saving and cost avoidance in excess of $1,000,000.00.

The Tier II team has set up links between the Tier II and each Tier III team to provide management support and exchange of information. The Tier II team has

successfully initiated an informal cross-feed of information through the publishing of success stories and using Tier II links, but an ongoing method for a continuous

information/data exchange has not been developed. The team has not been able to answer any statewide issues concerning clean-up standards, land use, or investigation

standards. The team has been meeting a minimum of 8 times per year.

Tier III

The Tier III teams have demonstrated the greatest success stemming from the ADR process. The representatives from each agency have been empowered by their

organizations to make decisions within the regulatory requirements. The teams have shown creativity in dealing with investigation requirements, review times, clean-up

methodology, and final clean-up requirements. The team building exercises and facilitation have enabled each team to high performing groups in a very short time period.

The teams have used consensus ADR to make field decisions to support dynamic cleanup actions and investigations. The teams have been meeting 12 times a year, at a

minimum of once a month.

Overall Program

The ADR program implemented by the AF/EPA/State of Florida have been successful in meeting the overall program goals of completing cleanup of hazardous waste

sites in a cost effective and time efficient method. From an AF perspective one of the biggest initial drawback of the program was the agency paying all the costs. Even

with the price tag the success stories indicate the AF is saving cleanup dollars due to minimizing field requirements and cost avoidance by eliminating reviews, minimizing

formal report requirements, and standardizing clean-up standards. The documented cost savings have put to rest any negative implications on the price of the ADR

Florida Model. The consensus ADR process has built working teams with the internal support and commitment to the process to develop decisions that have met public

scrutiny with a minimum of criticism. As expected the ADR program has had a dramatic impact on the number of disputes litigated between the agencies.

Program Recommendations

The facilitated ADR process was implemented in Florida improve the hazardous waste site clean-up and act as a model to be exported to other EPA regions and states.

The success of the current program can be improved by implementing structural and procedural changes.

Tier I

Once the team has accomplished the difficult task of setting up the program the team needs to step away form the day to day operations. The Tier I team should seek

monitoring methods that will enhance the program without creating any negative affects. Tier I representatives can create negative affects by creating confusion on who’s

is the decision maker and what are the roles of the Tier II/III teams. Some of the monitoring methods that could be used to support the ADR program and encourage

cost sharing between the agencies include:

- Develop a list server for all parties interested in the ADR process as it relates to environmental cleanup. The list server would promote the cross-feed of information,

improve communication, and would be a resource for individuals with questions.

- Develop a web page for the Florida Model. The list server would promote the cross-feed of information, improve communication, and would be a resource for

individuals with questions.

- Develop a national symposium with sessions on ADR and cleanup processes. The symposium would enhance cross-feed of information and allow each agency to

showcase success stories.

- Use the success of the cleanup ADR model to expand the program into other environmental areas and other states within the EPA region.

The Tier I team should reduce the number of meetings it has to a maximum of 2 times per year once a program has been implemented in the state. The team needs to

insure the requirements of the Tier III operations teams are their primary considerations when developing and implementing policy.

Tier II

The Tier II team was successful in providing management support to the Tier III Teams. To build on the current success and establish the ADR program as a national

model the team needs to make structural and procedural changes including:

- Reduce the size of the team by eliminating the AF major command representatives. A smaller team would improve the consensus ADR process.

- -Identify statewide cleanup standards as a common goal and set deadlines for developing a draft policy memorandum. The setting of goals and deadlines will encourage

all representatives to work efficiently and make the team more an integral part of the program.

- Develop an internal arbitration process to allow Tier III teams to seek guidance for unresolved issues. The internal arbitration process would help support Tier III teams

in polarized areas that could have a negative impact on the team environment.

- Establish an annual schedule for Tier III requirements and develop simple time effective methods for receiving information. These requirements include annual budget

cost, success stories, and issues. The Tier II team should work with the Tier I efforts to allow the Tier III requirements to be submitted through the list serve or updated

on the web page.

- Use creative methods for the cross-feed of information. The effective dissemination of information will reduce the redundancy in installation programs and allow the tier

III teams to solve technical problems quicker.

- Identify the requirements the Tier III teams need to fulfill to graduate from facilitated to teams that do not require the mandatory facilitation. Facilitation is an expensive

part of the program cost reduction in this area may show additional cost savings.

- Document the facilitated ADR model to allow export to other areas.

The Tier II teams should continue to meet to support the management requirement at a minimum of 4-6 times per year. The schedule and location of meeting should be

conducted to meet the requirements of the Tier III teams.

Tier III

The Tier III teams are currently made up of the appropriate representatives. The teams need to continue to develop into high performing teams. The teams need to

continue to seek consensus goals and decisions to strengthen and expedite he cleanup process at the each installation.

The only structural change the team needs to make is to define roles and responsibilities to insure a balanced workload and encourage all members to share information

and assist in development of submittal packages.

Conclusion

ADR processes have been used successfully to build consensus decisions between government agencies and the public. The ADR process has reduced the cost and

improved the quality of the AF environmental cleanup program in Florida. Structural changes to the AF/EPA/Florida facilitated ADR process at the Tier I and II level will

enhance the efficiency of the current program. The use of empowerment and consensus decision making with the EPA and State regulators is an extension of the current

Total Quality Management (TQM) program embraced as a standard operating procedure for the Air Force. The AF should pursue the changes described in a previous

section to improve the efficiency of the process and allow the process to be exported to other EPA regions and states. In making the changes to the ADR program and

exporting it is important to remember that Tiers I and II are support organizations for Tier III. The success or failure of ADR is totally dependent on Tier III working as a

team with the resources made available to do the job. Request the AFCEE Director initiate action on the following recommendations: