

Permit 3/19/10



**JAMES D. WERNER**  
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**PROFESSIONAL EXPERIENCE**

**State of Delaware Department of Natural Resources and Environmental Control**  
**Dover and New Castle, Delaware**

**Principal Deputy Assistant/Special Assistant for Policy, Projects and Emerging Issues**  
**August 2009 - Present**

Responsible for leading department-wide program reforms, including management streamlining in State Energy Office, Development of Regulations addressing Financial Assurance requirements for hazardous materials operations, tracking federal energy legislation, assessing emerging budget issues.

**Director, Air and Waste Management Division** **April 2005 – August 2009**

Responsible for management of a variety of environmental programs, including air pollution control, Brownfields cleanup, solid and hazardous waste management, recycling, environmental emergency response and prevention, criminal enforcement, petroleum tanks, and boiler safety. Serve as Vice Chair of the State Emergency Response Commission. Accountable to Cabinet Secretary and State General Assembly for policy, budget, program integration and performance. Led successful program integration initiatives for results-oriented performance and streamlined operations using Value Stream Mapping/Kaizen management methods.

**State of Missouri Department of Natural Resources,** **July 2001 – January 2005**  
**Jefferson City, Missouri**

**Director, Air and Land Protection Division** **August 2002 – January 2005**

Responsible for management of 450+person/\$44 Million division, including five programs: air pollution control, hazardous waste management, solid waste management, land reclamation (mine regulation and reclamation), environmental (emergency and laboratory) services. Included accountability to Cabinet-level Director and State General Assembly for policy, budget, and program integration and performance. Led efforts to increase efficiency, accountability and responsiveness of programs, and reduce costs to regulated community while maintaining program effectiveness. Successfully led renewal of fees before state legislature, and chaired risk-based corrective action workgroup.

**Senior Policy Analyst** **July 2001 – August 2002**

Provided budget and program analysis primarily supporting MDNR's federal facilities office addressing closure technology and long-term stewardship planning needs for the Weldon Spring nuclear waste site.

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**WernerBird Consulting, LLC**

**February 2001-August 2002**

Provide technical and policy consulting services to state government and private clients.

**Reprocessing Policy Project**

**October 2001-August 2002**

With private Foundation support, I established the Reprocessing Policy (RePo) Project, affiliated with the Natural Resources Defense Council. The RePo Project highlighted technical policy issues regarding management of nuclear material (e.g., plutonium and weapons-grade usable uranium), particularly reprocessing, in Russia and the U.S. and advocated the development and use of new proliferation-resistant technologies to manage nuclear materials.

**U.S. Department of Energy (Non-Career Senior Executive Service) Washington, DC**

**Director, Office of Long-term Stewardship  
Office of Environmental Management**

**November 1999 - January 2001**

**Established this new office**, unique in the Federal Government, to address issues at nuclear weapons facilities following completion of “cleanup.” Managed multi-disciplinary staff, and numerous contractors to create office budget, roles and responsibilities. Executed time-critical tasks: prepared a Report to Congress on long-term stewardship, prepared a National Study pursuant to a lawsuit Settlement Agreement, managed creation of a database on environmental information, developed a strategic plan, and developed policies and national guidance processes.

**Director of Strategic Planning and Analysis**

**Office of Environmental Management:**

**June 1993 - November 1999**

**Managed** office of 20 professional staff with contractor support (budget \$10 million/year) performing high visibility budget and policy analyses and supported Assistant Secretary for \$6 billion+/year environmental program. Reduced office budget from 1992 level (\$34 million) while dramatically increasing performance.

Conceived and directed several major **long-term strategic analyses**, leading to **program reforms**, including:

- *Closing the Circle on the Splitting of the Atom: The Environmental Legacy of Nuclear Weapons Production in the United States and What the Department of Energy is Doing About it*, DOE/EM-0266, January 1995 and 1996.
- *Linking Legacies: Connecting the Cold War Nuclear Weapons Production Processes to Their Environmental Consequences*. DOE/EM-0319, January 1997.
- *From Cleanup To Stewardship*, DOE/EM-0466, October 1998.
- *Estimating the Cold War Mortgage: The Baseline Environmental Management Report* (1995 and 1996) - [The first and second life-cycle costs estimates of the EM program.];
- *Taking Stock: A Look at the Opportunities and Challenges Posed by Inventories from the Cold War Era*. January 1996. *Buried Transuranic-Contaminated Waste Information for U.S. Department of Energy Facilities*, March 2000.

- *Report to Congress on Long-term Stewardship*, DOE/EM-0563, January 2001.

Managed or coordinated numerous **Environmental Impact Statements and Environmental Assessments under NEPA**.

Led **information technology** efforts, including serving as court-identified "Point of Contact" for DOE's **Central Internet Database**, and led development of **Sites Database**.

Led DOE effort to establish program to **return weapons-grade uranium from foreign countries**, including coordination with the State Department, White House Office of Science and Technology Policy, National Security Council and DOE's Arms Control and Nonproliferation office, and appear at public hearings to represent the Executive Branch's policy and program.

**Managed environmental investigation and technology demonstration projects in Estonia** to facilitate removing Russian nuclear weapon-grade uranium from Paldiski naval nuclear reactor, as part of National Security Council workgroup.

Led successful effort to **negotiate PEIS lawsuit Settlement Agreement** with NGO arms control and environmental organization plaintiffs (lodged in U.S. District Court, December 1998).

Chaired the Department's **strategic planning** team on Environmental Quality for the 1993-1995 Secretary's Departmental strategic planning effort.

Prepared **Congressional testimony** for Assistant Secretary.

Performed **budget analysis** in support of annual Congressional Budget Request (FY 1994, 1995, 1996, 1997 and 1998) including preparation of budget documents, briefings, and letters.

**Natural Resources Defense Council, Washington, DC**  
**Senior Environmental Engineer: January 1989 - June 1993**

**Analyzed the Department of Energy's FY 1990, 1991, 1992, and 1993 Congressional Budget Requests** and successfully advocated shifts in funding to support environmental cleanup and established mechanisms for greater accountability for DOE and contractors.

**Testified before Congressional committees** on the departments of Energy and Defense environmental restoration, waste management and facility transition programs, including successful proposal to speed cleanup and transfer of closed military bases from defense programs (SARA 120(h)).

Participated in processes of numerous **Environmental Impacts Statements and Environmental Assessments**, including preparing detailed comments and negotiations.

Served on the Advisory Panel for *Dismantling the Bomb and Managing the Nuclear Materials* (September 1993) by the Office of Technology Assessment (U.S. Congress).

Performed detailed analyses of existing and proposed environmental prioritization systems for DOE cleanups and successfully developed and promoted a workable alternative system in collaboration with DOE, DOD, state officials, Native American officials, and NGOs.

Developed and successfully advocated legislation to establish scholarship/fellowship programs for environmental scientists to work for DOE and DOD cleanup programs in exchange for tuition/stipend support.

Analyzed environmental and nuclear proliferation implications of spent nuclear fuel reprocessing in Idaho, resulting in avoidance of thousands of gallons of high-level nuclear waste and savings of more than \$100 million/year.

Prepared detailed comments (coordinating inputs from several organizations) to the EPA regarding RCRA compliance for DOE hazardous waste variance proposal for the Waste Isolation Pilot Plant nuclear waste repository, resulting in vital safeguards added by EPA.

Review ground water monitoring activities and cleanup plans for several waste sites at the Savannah River Site pursuant to the provisions of a RCRA lawsuit settlement.

**Analyzed environmental implications** of nuclear warhead dismantlement and disposition of fissile materials.

**ICF Technology, Washington, D.C. and Fairfax, Virginia**

**Senior Environmental Engineer: September 1987 - January 1989**

**Environmental Engineer: September 1985 - September 1987**

**Research Analyst: April 1984 - August 1984**

Conducted extensive **environmental audits** of Department of Energy facilities, identifying environmental problems and public health risks related to past management of hazardous, radioactive, and mixed wastes, and ongoing spill control programs. On-site field inspections included review of waste accumulation points; current and former waste treatment, storage, and disposal facilities; spill locations; and review of historical waste management and generation documentation. Prepared detailed sampling and analysis plans. Held Q-Clearance for nuclear weapons and uranium enrichment data.

Conducted **environmental audits** of private facilities for corporate clients involved with mergers, acquisitions and real estate transactions.

Performed underground storage tank (UST) investigations and removal operations. These included **supervising soil-gas analysis, drilling, developing and sampling**

**ground water monitoring wells, and supervising heavy equipment operators in UST removals.**

Performed case study of **hazardous waste cleanup** at Moffett Naval Air Station, Mountain View, California, for U.S. Navy, NavFacEngComWestDiv.

**Supervised cleanup of an oil spill** in the basement of a residential home. Scheduled and supervised subcontractors, negotiated with insurance company for payment, and provided litigation support.

**Analyzed proposed RCRA waste oil listing and management regulations** and relationship to other environmental regulations, and prepared Technical Background Document for used oil (F030) Reportable Quantity rule.

**Trained EPA and state RCRA permit writers** in ten EPA regions and several state capitals regarding new RCRA/HSWA regulations.

Performed and coordinated analyses of the cost of Superfund ("301(a)(1)(C) report") for EPA report to Congress.

**Office of Technology Assessment (U.S. Congress), Washington, DC**

**Consultant: September 1984 - March 1985**

Contributed to Superfund Strategies, OTA-ITE-252 (April 1985).

Researched and wrote **engineering case study** of the Sylvester hazardous waste site (Nashua, NH).

**Environmental Law Institute, Washington, DC**

**Staff Environmental Scientist: August 1982 - March 1984**

**Researched and wrote detailed case studies and analyses of remedial actions at hazardous waste sites** (Case Studies of Remedial Responses at Hazardous Waste Sites, EPA-540/2-84-002 [March 1984]). Responsible for nine of 23 case studies, and for "Cost Analysis" section dealing with remedial technologies and overall site costs. Traveled to sites around the U.S. investigating technologies, costs, and management/decision making in relation to the National Contingency Plan.

Researched and wrote Compendium of Costs of Remedial Technologies at Hazardous Waste Sites (February 1984), **analyzing the costs** of 38 remedial technologies for use at uncontrolled hazardous waste sites.

Researched and wrote report on the use of cost-effectiveness analysis in developing remedial actions at hazardous waste sites.

**Polybac Corporation, Hoboken, New Jersey**

Market Research, June 1982-August 1982

**Investigated hazardous waste sites** for potential leads for marketing genetically-engineered bacteria for bioremediation

**Port Authority of New York/New Jersey, (WTC#1) New York City**

Special Intern: March 1982 - June 1982

**Investigated alternative cleanup technologies for two hazardous waste sites** in northern New Jersey - Kopkowski West (Port Elizabeth) and Otilio and Sons (Newark) - for future development. Assisted in developing site acquisition audit procedures. Researched and wrote memoranda for the Engineering Design and Development staff on technical topics such as hazardous waste site Remediation case studies, PCB volatilization, and on-site hazardous waste biodegradation.

**Biosciences Information Services (BIOSIS), Philadelphia, PA**

Editor-in-charge of Ecology and Environmental Biology: April 1981 - March 1982

Special Projects Group Editorial Associate: July 1980 - April 1981

Wrote and edited abstracts of scientific journal articles for Biological Abstracts and The Health Effects of Environmental Pollutants. Helped develop a computer information file for drugs and their toxicology ("Drug File"), and designed on-line computer search strategies for providing clients with information from "Chem-Line" on industrial chemicals.

**EDUCATION**

1986	M.H.S., Environmental Engineering THE JOHNS HOPKINS UNIVERSITY Masters Thesis: "Risk Analysis of the Sylvester Hazardous Waste Site (Nashua, NH); Focus on Exposure Assessment."
1980	B.A., Biology and Geography UNIVERSITY OF DELAWARE

**SUPPLEMENTAL COURSES**

- Eastern Leadership Academy, University of Pennsylvania, Wharton School and Fels Institute, September 2005
- Management by Performance Measurement, Missouri Office of Management, 2003
- Effective Graphic Presentation, Edward Tufte, 1996
- Bob Boylen Executive Presentation Training, 1994.
- Negotiation Techniques, Resolve, Inc., 1991.
- Groundwater Monitoring and Analysis, 1990.
- Health and Safety Refresher Course (40 CFR 1910), 1987.
- Hazardous Waste Site Health and Safety, 1986.
- Radiation Surveying Techniques, 1986.
- Environmental Auditing, 1986.

## **VOLUNTEER AND COMMUNITY ORGANIZATION EXPERIENCE**

**2005-2009: Assistant Cub Scout Leader and Pack Webmaster, Pack 959, Den 2, DelMarVa Council, Hockessin, DE.**

**2003-2005: Assistant Cub Scout Leader, Pack 2, Den 11 Great Rivers Boy Scout Council. Columbia, MO.**

**2003-2005 Assistant Sunday School teacher, Unitarian Universalist Church of Columbia, MO.**

**2001-2002: First Vice President of Chevy Chase Community Association – Organized block parties, delivered testimony to Council on Ward redistricting.**

**1989-1993: Co-chair of Rock Creek Tennis Stadium Task Force of 16<sup>th</sup> Street Heights Civic Association.**

- Helped form and lead community organization in multiyear effort protect Rock Creek Park from commercial development.
- Testified before U.S., House of Representatives Committee on Interior and Insular Affairs Subcommittee on National Parks, regarding commercialization of National Parks.
- Successfully advocated Interior Department compliance with NEPA and wrote and presented comments on Environmental Impacts Statement (scoping and draft)

**1984-1986: Co-Chair D.C. Bottle Bill Coalition, Washington, DC**

- Organized successful effort to place bottle bill initiative on D.C. election ballot
- Helped organize successful effort to enact curbside recycling legislation after narrow defeat of ballot initiative.

**1980-1982:**

**Board member of Delaware Valley Citizens' Council for Clean Air**

- Researched technologies for automobile inspection/maintenance in support of litigation (DVCCCA v. Shapp)
- Supported local efforts for sound reauthorization of Clean Air Act

**Delaware Valley Toxics Coalition, Philadelphia**

- Helped support enactment of local Right to Know law, which served as model for SARA Title III.

## **ADVISORY PANEL APPOINTMENTS**

- Co-Chair of ECOS Sustainability Subcommittee on Land Use Controls, Environmental Council of States/U.S. Department of Defense. 2002-2005
- Federal Facility Environmental Restoration Dialogue Committee, 1991-1993 & 1994-97.

- Technical Support Group, Technical/Regulatory Integration Panel, DOE, Office of Technology Development, 1992 - 1993.
- Office of Technology Assessment Advisory Panel on Disposition of Material from Retired Nuclear Warheads, 1992 - 1993.
- Served as Judge for Defense Department Environmental Quality Awards, 1992.
- U.S. Congress, Office of Technology Assessment, DOE Site Remediation Technology Subcommittee for "Complex Cleanup," 1990.
- DOE External Review Group on Environmental Prioritization, 1989 - 1991.

#### **AFFILIATIONS AND AWARDS**

- Award for "Creative and Untiring Work...", Military Production Network (ne' Alliance of Nuclear Accountability), April 1996.
- Fundamentals of Engineering (E.I.T.), passed 1992.
- Society for Risk Analysis, 1985 - 1992.
- "Environment Award, W-170 Peer Review Committee on EPA National Sewage Sludge Regulations," Association of Metropolitan Sewerage Agencies, 1992.

#### **SECURITY CLEARANCES**

Held "Q" level and SCI Security Clearances, including access to nuclear weapons and uranium enrichment technology information from 1986 to 1989 and from 1993 to 2001.

**U.S. CONGRESSIONAL TESTIMONY** (In addition to numerous Delaware and Missouri State Assembly hearing presentations on environmental issues.)

"Review of EPA's Proposed Revision to the Ozone NAAQS"  
Before the U.S. Senate Committee on Environment and Public Works  
Subcommittee on Clean Air and Nuclear Safety, July 11, 2007.

"Implementation of the Existing Particulate Matter and Ozone Air Quality Standards",  
Before the U.S. Senate Committee on Environment and Public Works  
Subcommittee on Clean Air and Nuclear Safety, November 10, 2005.

"Department of Defense Environmental Program Supplemental Appropriation Request",  
Department of Defense Environmental Restoration Panel, House Armed Services  
Committee, May 5, 1992.

"Support for H.R. 4016 to Ensure the Safe Transfer of Federal Property," Subcommittee  
on Transportation and Hazardous Materials, House Energy and Commerce Committee,  
(with R. De Gennaro, FOE), April 9, 1992.

"The Department of Energy's FY 1993 Budget," Department of Energy Defense Nuclear  
Facilities Panel, House Armed Services Committee, March 30, 1992.

"Federal Facility Compliance Act," Subcommittee on Transportation, Tourism and  
Hazardous Materials, House Committee on Energy and Commerce, May 8, 1991.

"Waste Isolation Pilot Plant," Subcommittee on Energy and the Environment, House Committee on Interior and Insular Affairs, (with D. Reicher), April 16, 1991.

"The Department of Energy's FY 1992 Budget," Department of Energy Defense Nuclear Facilities Panel, House Armed Services Committee, April 11, 1991.

"The Department of Energy's Office of Environment, Safety and Health," Subcommittee on Environment, House Committee on Science and Technology, March 7, 1991.

"The Department of Energy's Fiscal Year 1991 Budget," Department of Energy Defense Nuclear Facilities Panel, House Armed Services Committee, March 15, 1990.

"The Department of Energy's Five-Year Plan for Environmental Restoration and Waste Management," Senate Committee on Governmental Affairs, November 14, 1989.

"Management of the Department of Energy's Environmental Cleanup Program," Subcommittee on Strategic Forces and Nuclear Deterrence, Senate Armed Services Committee, (with D. Reicher), April 7, 1989.

"The Process Used by the Department of Energy to Set Priorities for Resolving Environmental Problems at its Nuclear Weapons Facilities," Subcommittee on Procurement and Military Nuclear Systems, House Armed Services Committee, (with D. Reicher), February 24, 1989.

## PUBLICATIONS

Werner, James D., "The State of Superfund in Delaware," *Outdoor Delaware Magazine*, Spring 2007.

Werner, James D., "Toward Sustainable Radioactive Waste Control: The Success and Failures From 1992 to 2002", Chapter in *Stumbling Toward Sustainability: Sustainable Development In The United States Ten Years After The Earth Summit: An Assessment And Recommendations*. Edited by John C. Dernbach, Environmental Law Institute, Washington, DC, July 2002; and published in *The Environmental Law Reporter: News and Analysis*, Vol. XXXII, No. 9, September 2002, pp. 11059-11090.

Werner, James D., The Rise and Fall of Reprocessing in the United States: Old and New Technologies For Managing Nuclear Waste, *Paper presented at the Carnegie Center Moscow Workshop, April 2002*.

Sovereign Immunity and the National Nuclear Security Administration: A King That Can Do No Wrong?, *Environmental Law Reporter*. With K.C. Schefski and S. Perkins. Vol.31; No.1, January 2001.

Secrecy and Its Effect on Environmental Problems in the Military: An Engineer's Perspective, *New York University Environmental Law Journal*, Vol. 2 No. 2, 1993.

Article in Carnegie Institute Publication: *Facing Toward Government: Nongovernmental Organizations and Government's Quest for Scientific and Technical Guidance*. February 1993.

Guest commentary on Idaho Chemical Processing Plant: "Public Relations Response from Westinghouse Won't Do." *Idaho Falls Post-Register*, June 11, 1992.

Guest commentary on Disposition of Plutonium from Retired Warheads: "An Eternal Pile of Bomb Relics." *Cleveland Plain Dealer*, April 6, 1992.

"The Chem Plant Waste." *Snake River Alliance Bulletin*, Vol.6, no.3, March 1992.

"Exposure Assessment of a Hazardous Waste Site." *Superfund '86*. HMCRI, December 1986.

"Risk and Exposure Assessment of an Abandoned Hazardous Waste Site" *HAZMAT '86*. Atlantic City, New Jersey. June 1986.

"How Much? The Cost of Superfund." *The Environmental Forum* 3(6):15, October, 1984.

"Elements of Ground-Water Management Program", *Virginia Ground-Water Symposium*. Wintergreen, Virginia. November, 1983.

"Remedial Action Management and Cost Analysis." *Fourth National Conference on the Management of Uncontrolled Hazardous Waste Sites*. Washington, D.C., (With E. Yang, Ph.D. and E. Nagle), November 1, 1983.

"Analyzing Remedial Costs." *Proceedings of the Ninth Annual US EPA Research Symposium on Hazardous Waste Treatment, Storage, Incineration and Land Disposal*. Fort Mitchell, Kentucky. May, 1983. (With E. Yang).

"Book Review of 'Siting Hazardous Waste Facilities: Local Opposition and the Myth of Preemption'." *The Environmental Forum*. 1 (12). April, 1983.

Guest commentary: "A Smokescreen: Corporate Dogma on Pollution." *The Philadelphia Inquirer*. November 16, 1981.

## MAJOR COMMENTS ON EXECUTIVE BRANCH PROPOSALS

"Proposed Decision on a Request for an Extension of the Land Disposal Restrictions for the U.S. Department of Energy", (57 *Fed.Reg.* 22024, May 26, 1992) (with S. Barvenik), Nov.12, 1992.

"Environmental Assessment: Consolidated Incineration Facility at the Savannah River Site, Aiken, South Carolina" (June 1992) and the "Proposed Finding of No Significant Impact; 57 *Fed.Reg.* 29299, July 1, 1992", (with B. Costner, ERF), August 28, 1992.

"Proposed EPA Hazardous Waste Identification Rule (40 CFR 261); 57 *Fed.Reg.* 21450, May 20, 1992," (with EDF), July 1992.

"Predecisional Draft DOE Environmental Restoration and Waste Management Five-Year Plan", (with S. Barvenik), June 17, 1992.

"Proposed EPA Land Disposal Restrictions for Newly Listed Wastes and Contaminated Debris", February 24, 1992.

"Proposed [DOE] Environmental Restoration Prioritization System; 56 *Fed.Reg.* 44078, September 6, 1991," November 21, 1991.

"Scope of the Programmatic Environmental Impact Statement on the Department of Energy's Proposed Integrated Reconfiguration Program," Department of Energy Hearings, Amarillo, Texas, July 24, 1991.

"Draft Environmental Impact Statement Regarding the Siting, Construction, and Operation of the New Production Reactor" June 17, 1991 (with T.B. Cochran, et al.).

"Scope of the Programmatic Environmental Impact Statement on the Department of Energy's Proposed Integrated Environmental Restoration and Waste Management Program," Department of Energy Hearings, Washington, D.C., February 2, 1991; and Idaho Falls and Boise, Idaho, January, 1991.

"The Department of Energy's Proposal to Revise 10 CFR Part 1021 Entitled 'Compliance with the National Environmental Policy Act,'" 55 *Fed. Reg.* 46444, (w/ D. Reicher), Dec. 17, 1990.

"EPA's Proposed No-Migration Variance for the Waste Isolation Pilot Plant; April 6, 1990", (with Texas Attorney General, EDF, Hazardous Waste Treatment Council), June 6, 1990.

"The Department of Energy's Proposal to Amend Section D of Its Guidelines Relating to the Implementation of the National Environmental Policy Act; 55 *Fed. Reg.* 46444, April 7, 1990," (with D. Reicher), May 7, 1990.

"EPA's Land Disposal Restrictions for Third Third Scheduled Wastes", January 8, 1990.

"The Department of Energy's Environmental Restoration and Waste Management Five-Year Plan", November 30, 1989 (with D. Reicher).

"Scope of Environmental Impact Statement on the Savannah River Plant Reactors," May 8, 1989.

"Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants, Proposed Standards for Radionuclides," 54 *Fed. Reg.* 9612, May 15, 1989 (with D. Doniger and D. Reicher).