ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515–6115

JOE BARTON, TEXAS
CHAIRMAN

March 15, 2005

The Honorable Stephen L. Johnson
Acting Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Room 3412, Mail Code 1102-A
Washington, D.C. 20460

Dear Acting Administrator Johnson:

Last year, in letters dated April 20, 2004, and June 18, 2004, from the Environmental Protection Agency (EPA), we were provided with information on contamination from military munitions constituents including perchlorate, TNT, RDX, HMX, and white phosphorus at Department of Defense (DOD) facilities. We have summarized that information with respect to ground water, surface water, and drinking water contamination in the attached documents (Attachments 2 and 3).

We request that you provide updated information with respect to any additional DOD facilities where constituents of military munitions, including perchlorate, TNT, RDX, HMX, or white phosphorus, have been detected or discovered. For each such facility please identify the constituent that has been detected, the levels of contamination discovered, the date the constituent was detected, the media where it was detected, the remedial action, if any, that has been taken, and whether the facility is listed on the Superfund National Priority List.

In addition, if new or additional sampling has been conducted or contamination from military munitions has otherwise been detected at DOD facilities previously identified by EPA last year, please provide the most recent information including the constituent and highest concentration level detected and the contaminated media.

In addition, we ask that you provide responses to the questions set forth in Attachment 1 to this letter.

Thank you for your attention to our requests. We would appreciate receiving the updated information requested above along with your responses to our questions by no later than Thursday, March 31, 2005.

Sincerely,

JOHN D. DINGELL
RANKING MEMBER

HILDA L. SOLIS
RANKING MEMBER
SUBCOMMITTEE ON ENVIRONMENT
AND HAZARDOUS MATERIALS

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Paul E. Gillmor, Chairman
Subcommittee on Environment and Hazardous Materials

Attachments

Attachment 1

Questions for Acting Administrator Stephen L. Johnson

1) On February 18, 2005, the Environmental Protection Agency (EPA) issued a press release announcing the establishment of an official reference dose (Rfd) for perchlorate. The press release also stated that "EPA's Superfund cleanup program plans to issue guidance based on the new Rfd." Subsequently, the EPA staff has highlighted the importance of identifying other significant perchlorate sources such as milk, produce, and other food items to determine their relative source contributions before establishing a Federal drinking water standard. A few days after the EPA press release, a Texas Tech University study was released showing that samples from eighteen states show a five time higher perchlorate average concentration in breast milk than in dairy milk. Previously, the Food and Drug Administration (FDA) survey published in November 2004 found perchlorate levels in lettuce ranging from 1 ppb to 129 ppb in the states of Arizona, California, New Jersey, and Texas. Additional FDA sampling is underway.

   Does the Superfund office intend to take the relative source contribution from milk, lettuce, and other food items into account before issuing new guidance? If not, please explain why not.

   The Agency for Toxic Substances and Disease Registry (ATSDR) is nearing completion of a toxicological profile for perchlorate conducted pursuant to Section 104(i) of the Superfund statute. Does the EPA intend to consider the minimal risk level for perchlorate identified in the ATSDR toxicological profile before issuing new guidance? If not, please explain why not.

   Also, describe the impact of any new guidance on ongoing groundwater cleanups being carried out pursuant to the Superfund program.

2) Please identify each Department of Defense (DOD) facility where EPA has required (with a record of decision or enforcement action) or requested the DOD to remediate perchlorate contamination of surface water or groundwater.

3) Specifically, by letter dated June 27, 2003, the EPA informed us that at Aberdeen Proving Ground in Maryland, the EPA proposed to DOD "the concept of installing several ground water extraction wells to reduce the migration of the most contaminated water which is currently having impact on the city's drinking water wells." Is DOD continuing to refuse to perform any cleanup action at Aberdeen Proving Ground, including the interim measure to stop the migration of perchlorate contamination, until completion of a final perchlorate standard for drinking water?

4) Is EPA aware of any DOD facility in the United States, other than several demonstration projects, where DOD is actually remediating percholorate contamination in surface water or ground water? Please describe the nature and circumstances of any action taken.

5) Other than Aberdeen Proving Ground, Maryland, please identify each DOD facility where EPA has requested or required DOD to take action to limit or stop the migration of perchlorate contamination that has been detected in the groundwater at a DOD facility? Please describe the nature and circumstances of any action taken.

6) Is DOD continuing to refuse to perform any cleanup action, including interim measures to stop migration of perchlorate contamination, until completion of a final perchlorate standard for drinking water is established under the Safe Drinking Water Act?

7) Has DOD accepted a groundwater cleanup number calculated from a Rfd at any of its facilities in the United States? If so, please identify them.

8) Has EPA established groundwater cleanup numbers for other Federal agencies or private companies to address perchlorate contamination in the groundwater? If so, please identify them.

9) Please identify each private facility in the United States where remediation of perchlorate contamination of groundwater has occurred or is taking place as a result of an EPA record of decision, removal action, or enforcement action (including a consent decree). Further, please provide a copy of any such record of decision, removal action, or enforcement action (including a consent decree) and identify the cleanup levels in groundwater that have been established for perchlorate at each such facility.

10) Please identify any Federal agency, including the Department of Energy or the National Aeronautics and Space Administration, that has taken or is taking action to remediate perchlorate contamination of groundwater.

11) Does the EPA consider perchlorate to be a "solid waste" and a "hazardous solid waste" under the Solid Waste Disposal Act?

12) Does the EPA consider perchlorate to be a "hazardous substance" for the purpose of the Comprehensive Environmental Response Compensation Liability Act? Please provide any administrative orders where EPA has asserted this position.

13) Please identify the contaminants at Superfund sites that are being remediated in groundwater even though there is no Federal drinking water standard for that particular contaminant.

Perchlorate Contamination at Department of Defense Facilities

Facility Name	Contamination Levels	Contaminated Media
Otis Air National Guard Base (ANGB)/Camp Edwards/Massachusetts Military Reservation, MA	500 ppb	Groundwater
	2 ppb	Drinking Water
Picatinny Arsenal, NJ	616 ppb	Groundwater
Aberdeen Proving Ground/Edgewood, MD	42 ppb	Groundwater
	5 ppb (At dw supply well)	Drinking Water
	1 ppb (finished dw)	Drinking Water
Naval Surface Warfare Center (NSWC) -- Indian Head, MD	2,000 ppb	Groundwater
		Surface Water*
Naval Surface Warfare Center (NSWC) -- White Oak, MD	8 ppb	Surface Water
	798 ppb	Groundwater
Ft. Meade, MD	70 ppb (isolated)	Groundwater
Allegany Ballistics Lab (Alliant Tech; Naval Ordnance), WV	400 ppb	Surface Water
	34,900 ppb	Groundwater
Redstone Army Arsenal (includes NASA Marshall Space Flight Center), AL	220,000 ppb	Groundwater
	12,200 ppb	Surface Water
Ft. McClellan, AL	2.55 ppb	Groundwater
	2.66 ppb	Surface Water
Shaw AFB -- Poinsett Range, SC	8.4 ppb	Groundwater
Chanute AFB, IL	5 ppb	Surface Water
Twin Cities Army Ammunition Plant, MN	.081 ppb	Groundwater
Savanna Army Depot Activity, IL	12 ppb	Groundwater
Jefferson Proving Ground, ID	< 0.337 to 3.4 g/L	Groundwater
Wright-Patterson AFB (UCMR), OH	17.2 ppb	Drinking Water
Sangamo Electric Dump/Crab Orchard National Wildlife Refuge, IL	1,200 ppb	Groundwater
Cannon AFB, NM	46 ppb	Drinking Water
	46 ppb	Groundwater
	6.1 ppb	Surface Water
Ft. Wingate Depot, NM	2,860 ppb	Groundwater

Perchlorate Contamination at Department of Defense Facilities

Facility Name	Contamination Levels	Contaminated Media
Holloman AFB, NM	40 ppb	Groundwater
	16,000 ppb	Surface Water
Kirtland AFB, NM	12.6 ppb	Drinking Water
Melrose AFB, NM	41 ppb	Groundwater
	11 ppb	Drinking Water
White Sands Missile Range (U.S. Army), NM	21,000 ppb	Groundwater
McAlester Army Ammunition Plant, OK	1 unvalidated detection at 0.6 ppb out of 26 samples	Surface Water
Lone Star Army Ammunition Plant, TX	5.8 ppb	Surface Water
	23 ppb	Groundwater
Longhorn Army Ammunition Plant, TX	203,000 ppb	Groundwater
	11,000 ppb	Surfacewater
	Site 4 - 36.90 ppb	Surface Water
	Site 12 - 56 ppb	Groundwater
	Site 16 (Old Landfill) - 2,430 ppb	Groundwater
	Harrison Bayou - 99 ppb	Surface Water
	Site 17 (Burning Ground No. 2/ Fishing Area) - 320,000 ppb	Groundwater
	Site 18/24 (Burning Ground No. 3/ Unlined Evap pond) - 203,000 ppb	Groundwater
	Site 29 (TNT Prodtn Area) - 88,000 ppd	Groundwater
	Site 46 (Plant 2 area) - 30 ppb	Groundwater
	Site 47 (Plant 3 area) - 82,900 ppb	Groundwater
	Site 47 (Plant 3 area) - 11,000 ppb	Surface Water Runoff
	Site 47A (Bldg. 42-H, North Area) - 836 ppb	Groundwater
	Site 47B (Bldg. 25-C, 29-D, and 25-D South Area) - 72,100 ppb	Groundwater
	Site 50 (former sump wastewater tank) - 63,000 ppb	Groundwater
McGregor Naval Weapons Industrial Reserve Plant (NWIRP), TX	91,000 ppb	Groundwater
		Surface Water*

Perchlorate Contamination at Department of Defense Facilities

Facility Name	Contamination Levels	Contaminated Media
Red River Army Depot, TX	7 ppb	Groundwater
	417 ppb	Surface Water
Camp Bullis, TX	345 ppb-DOD	Groundwater
	424 ppb-TCEQ	Groundwater
Lake City Army Ammunition Plant, MO	70 ppb	Groundwater
Iowa Army Ammunition Plant, IA	9 ppb	Groundwater
Pueblo Army (Chemical) Depot, CO	180 ppb	Groundwater
Rocky Mountain Arsenal, CO	14 ppb	Groundwater
Badlands Bombing Range, SD	1 ppb	Groundwater
Hill AFB, UT	70 ppb	Groundwater
		Drinking Water*
Mather AFB, CA	1,800 ppb	Groundwater
	120 ppb	Drinking Water
Edwards AFB/Jet Propulsion Laboratory (JPL), CA	160,000 ppb	Groundwater
Edwards AFB/Dryden Flight Research Center, CA	300	Groundwater
Edwards AFB/Air Force Research Laboratory, CA	4,550	Groundwater
El Toro MCAS, CA	380 ppb	Groundwater
Camp Navajo, AZ		Groundwater*
	39 ppb	Surface Water
Yuma Marine Corps Air Station (MCAS), AZ	4 ppb	Surface Water
	5 ppb	Groundwater*
Yuma Proving Ground, AZ	5 ppb	Surface Water
Beale AFB, CA		Groundwater*
Nike 14 Launcher Area (FUDS), CA		Groundwater*
Travis AFB, CA		Groundwater*
U.S. Navy Firing Range, San Nicolas Isl., CA	16 ppb	Drinking Water
Vandenburg AFB, CA	517 ppb	Groundwater
Concord Naval Weapons Station, CA	2 ppb	Groundwater

Perchlorate Contamination at Department of Defense Facilities

Facility Name	Contamination Levels	Contaminated Media
Umatilla Ammunition Demolition Area, OR	10 ppb	Groundwater
Camp Bonneville, WA	270 ppb	Groundwater
Navy Boardman Bombing Range, OR	4 ppb	Groundwater

*Data was obtained from a DOD response to inquiries from Senators Boxer and Feinstein. In these cases only a "Yes" was used to indicate that perchlorate had been detected in the specified media without providing actual levels of contamination.

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)		
Facility Name	**Constituent and Highest Concentration Level Detected**	**Contaminated Media**
Otis Air National Guard Base (ANGB) (Army Camp Edwards), MA	HMX - 93 ppb	Groundwater
	RDX - 370 ppb	Groundwater
	TNT - 16 ppb	Groundwater
Aberdeen Proving Grounds/2 NPL Sites, MD	RDX - 42 ppb	Surface Water
	RDX - 470 ppb	Groundwater
	HMX - 80 ppb	Groundwater
	TNT- 0.6 ppb	Surface Water
	TNT - 290 ppb	Groundwater
Allegany Ballistics Lab, WV	HMX - 41 ppb	Groundwater
	RDX- 150 ppb	Groundwater
Former Nansemond Ordance Depot, VA	TNT - 125 ppb	Groundwater
	RDX - 1.63 ppb	Groundwater
Fort Meade, MD	RDX - 120 ppb	Groundwater
	TNT- 96 ppb	Groundwater
Letterkenny Army Depot/ 2 NPL Sites, PA	TNT - n/a	Groundwater
	RDX - n/a	Groundwater
	RDX- n/a	Surface Water
	HMX - n/a	Surface Water
NDW- Indian Head, MD	TNT - 4 ppb	Groundwater
NSWC Dahlgren, VA	RDX - 127.0 ppb	Groundwater
	RDX - 30.0 ppb	Surface Water
	HMX - 40.5 ppb	Groundwater
	2,4,6 TNT - 2.6 ppb	Groundwater
West Virginia Ordnance Works, WV	TNT- 1,100 ppb	Groundwater

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)		
Facility Name	**Constituent and Highest Concentration Level Detected**	**Contaminated Media**
NSWC- White Oak, MD	RDX - 2,300 ppb	Groundwater
	RDX - 4.9 ppb	Surface Water
	HMX - 470 ppb	Groundwater
	HMX - 2.9 ppb	Surface Water
	TNT - 1,650 ppb	Groundwater
Radford Army Ammunition Plant, VA	TNT - 7.4 ppb	Groundwater
	HMX - 15.6 ppb	Groundwater
Fort Campbell, KY	RDX - 76.5 ppb	Groundwater
	RDX - 0.516 ppb	Surface Water
	HMX - 24.5 ppb	Groundwater
	HMX - 0.28 ppb	Surface Water
Alabama Army Ammunition Plant (AAAP), AL	TNT - 26,000 ppb	Groundwater
	TNT - 0.733 ppb	Surface Water
Anniston Army Depot, AL	TNT - 3.6 ppm	Groundwater
	RDX - 23.4 ppb	Groundwater
	HMX - 16.3 ppb	Groundwater
Patrick Air Force Base/ Cape Canaveral, FL	RDX - 0.28 - 17.2 ppb	Groundwater
Fort McClellan Army Garrison, AL	TNT - 3.15 ppb	Groundwater
	TNT - 2.2 ppb	Surface Water
	RDX - 4.5 ppb	Groundwater
	RDX - 2.9 ppb	Surface Water
	HMX - 1.2 ppb	Groundwater
Milan Army Ammunition Plant, TN	TNT - 15,800 ppb	Groundwater
	TNT - 53.3 ppb	Surface Water
	RDX - 17,600 ppb	Groundwater
	RDX - 45 ppb	Surface Water
	HMX - 2,600 ppb	Groundwater

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)

Facility Name	Constituent and Highest Concentration Level Detected	Contaminated Media
Redstone Army Arsenal (including NASA Marshall Space Flight Center), AL	Thiodiglycol - 42 ppb	Groundwater
	Thiodiglycol - 0.3 ppb	Surface Water
	1,3-Dinitrobenzene - 0.861 ppb	Groundwater
	1,3-Dinitrobenzene - 0.2 ppb	Surface Water
	1,3,5-Trinitrobenzene - 46.3 ppb	Groundwater
	1,3,5- Trinitrobenzene - 0.33 ppb	Surface Water
	2,4,6- Trinitrotoluene - 1.7 ppb	Groundwater
	2,4,6-Trinitrotoluene - 0.46 ppb	Surface Water
	2,4-Dinitrotoluene - 37 ppb	Groundwater
	2,4-Dinitrotoluene - 0.22 ppb	Surface Water
	2,6-Dinitroroluene - 1.8 ppb	Groundwater
	2,6-Dinitroroluene - 0.27 ppb	Surface Water
	2-Nitrotoluene - 0.15 ppb	Groundwater
	2-Nitrotoluene - 0.33 ppb	Surface Water
	3-Nitrotoluene - 0.16 ppb	Groundwater
	3-Nitrotoluene - 0.19 ppb	Surface Water
	4-Amino-2,6-dinitrotoluene - 2.2 ppb	Groundwater
	HMX - 110 ppb	Groundwater
	HMX - 8.1 ppb	Surface Water
	Nitrobenzene - 0.72 ppb	Groundwater
	Nitrobenzene - 0.18 ppb	Surface Water
	Nitroglyerin - 4.3 ppb	Groundwater
	Nitroglyerin - 0.76 ppb	Surface Water
	Nitroguanidine - 4.4 ppb	Groundwater
	RDX - 310 ppb	Groundwater
	RDX - 1,000 ppb	Surface Water
	Tetryl - 0.4 ppb	Groundwater
	Tetryl - 0.65 ppb	Surface Water
	p-Nitrotoluene - 0.26 ppb	Surface Water
	1,4-Dithiane - 83 ppb	Groundwater
	1,4-Oxathiane - 37 ppb	Groundwater

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)

Facility Name	Constituent and Highest Concentration Level Detected	Contaminated Media
Redstone Army Arsenal (including NASA Marshall Space Flight Center), AL (continued)	1,4-Oxathiane - 1.8 ppb	Surface Water
	Mustard Gas - 0.4 ppb	Groundwater
Jefferson Proving Ground, IN	NB - < 0.030 g/L	Groundwater
	2-NT - < 0.090 g/L	Groundwater
	3-NT - < 0.090 g/L	Groundwater
	4-NT - < 0.090 g/L	Groundwater
	NG - < 0.090 g/L	Groundwater
	4-A-2,6-DNT - < 0.01 g/L	Groundwater
	1,3-DNB - < 0.090 g/L	Groundwater
	2,4-DNT - < 0.010 g/L	Groundwater
	2,6-DNT - < 0.02 g/L	Groundwater
	2-A-4, 6-DNT - <0.10 g/L	Groundwater
	RDX - <0.10 g/L	Groundwater
	1,3,5-TNB - < 0.30 g/L	Groundwater
	Tetryl - < 0.50 g/L	Groundwater
	2,4,6-TNT - <0.030 g/L	Groundwater
	HMX - < 0.30 g/L	Groundwater
Sangamo Electric Dump/ Crab Orchard National Wildlife Refuge NPL Site, IL	TNT - 22 ppb	Groundwater
	HMX - 7.9 ppb	Surface Water
	HMX - 34 ppb	Groundwater
	RDX - 25 ppb	Surface Water
	RDX - 890 ppb	Groundwater
Fort Wingate, NM	HMX - 22.8 ppb	Groundwater
	RDX - 940 ppb	Groundwater
	TNT - 1.27 ppb	Groundwater
	2,4-DN,T - 2.19 ppb	Groundwater
	1,3,5-TNB - 381 ppb	Groundwater

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)		
Facility Name	**Constituent and Highest Concentration Level Detected**	**Contaminated Media**
Fort Wingate, NM (continued)	Nitrate/Nitrite - 235,000	Groundwater
McAlester AAP, OK	RDX - 3 ppb	Groundwater
Louisiana AAP, LA	HMX up to 4,200 ppb	Groundwater
	RDX up to 14,120 ppb	Groundwater
	TNB up to 7,720 ppb	Groundwater
	TNT up to 18,400 ppb	Groundwater
Longhorn AAP, TX	RDX - 1.44 ppb	Groundwater
	HMX - 2.9 ppb	Groundwater
	TNT - 1.56 ppb	Groundwater
White Sand Missile Range (WSMR), NM	RDX - 24 ppb	Groundwater
NWIRP McGregor, TX	RDX - 810 ppb	Groundwater
	HMX - 170 ppb	Groundwater
	TNT - 8 ppb	Groundwater
Camp Bullis, TX	HMX - 2.23 ppb	Groundwater
	RDX - 10.3 ppb	Groundwater
	2,4,6-Trinitrotoluene - 0.140 ppb	Groundwater
	2,6-Dinitrotoluene - 0.0469 ppb	Groundwater
	2,4-Dinitrotoluene - 0.0469	Groundwater
	Tetrachloroethylene - 0.61 ppb	Groundwater
	Nitrobenzene - 3.26 ppb	Groundwater
	Tetryl - 0.0657 ppb	Groundwater
Ft. Sill, OK	Eight Powder Burn areas - CoC - explosives	Groundwater

Contamination at Department of Defense Facilities from Military Munitions (TNT, RDX, HMX, White Phosphorus, etc.)		
Facility Name	**Constituent and Highest Concentration Level Detected**	**Contaminated Media**
Pueblo Chemical Depot, CO	RDX - 77 ppb	Groundwater
	TNT - 1,100 ppb	Groundwater
	HMX - 5.3 ppb	Groundwater
Black Hills Army Depot (FUDS), SD	TNT - 120 ug/L	Groundwater
	RDX - 13,000 ug/L	Groundwater
	RDX - 3.4 ug/L	Surface Water
	HMX - 130 ug/L	Groundwater
	HMX - 1.9 ug/L	Surface Water
Edwards AFB, CA	HMX - 1.8 ppb	Groundwater
	RDX - 11 ppb	Groundwater
Mare Island, CA	RDX - 290 ppb	Groundwater
	TNT - 7.7 ppm	Groundwater
	HMX	Groundwater
Bangor Site A, WA	RDX - 1,000 ppb	Groundwater
	TNT - 18 ppb	Groundwater
	DNT - 1.97 ppb	Groundwater
Bangor Site F, WA	RDX - 1,800 ppb	Groundwater
	TNT - 8,600 ppb	Groundwater
Camp Bonneville, WA	RDX - 120 ppb	Groundwater
	HMX - 2.6 ppb	Groundwater
Fort Lewis, WA	RDX - 0.8 ppb max.	Groundwater