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ONE HUNDRED TENTH CONGRESS

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

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CHAIRMAN

February 16, 2007

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The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Administrator Johnson:

The Superfund program, our Nation's preeminent environmental program for cleaning up toxic waste sites, averaged 86 construction completions at National Priorities List (NPL) sites for the four years from 1997 to 2000. For each of the past four years (2002-2006), however, the Superfund program achieved construction completion at exactly 40 sites per year. The President's Budget for FY2007, stated that the Environmental Protection Agency (EPA) "expects to complete cleanups at 40 Superfund sites" and further stated that "EPA will redirect resources from earlier phase activities toward construction to maintain progress in all Superfund response activities."

In a meeting with the Committee staff on January 29, 2007, Assistant Administrator Susan Bodine revealed for the first time that EPA would only achieve 24 construction completions in FY2007 – a reduction of 40 percent. Rather than expediting the rate at which Superfund sites are cleaned up, EPA has failed to meet the agency's own 2007 projections. This is an appalling development that undermines the primary goal of the program. Further, Ms. Bodine notified the Committee that the rate of cleanup to construction completion would average only 34 sites for the next three years beginning in Fiscal Year 2008. At an average of 34 sites per year, it would be 2023 before the program would finish construction activities at the remaining 556 Superfund sites.

Two years ago, on December 2, 2004, Mr. Thomas Dunne, then-EPA Acting Administrator for the Superfund program, commented on funding shortfalls facing the program as follows:

"For the last three years, we haven't started cleanup at some new sites. If we assume that EPA's budget will remain flat for the foreseeable future, construction funding could be delayed at more and more sites. Within a few years, unfunded cleanup work could total several hundred million dollars."

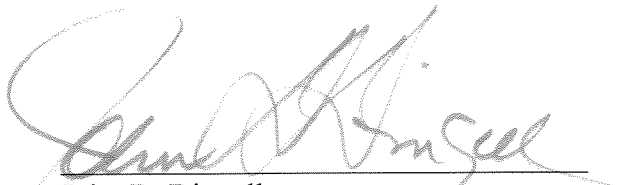
The Honorable Steven L. Johnson
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Is the Administration's objective for this important public health program not only to stop listing sites (only 11 new sites were added to the NPL last year) but also to decelerate the rate of cleanup constructions? We urge you to refocus the management attention of the agency to meet its own plans and projections for FY2007. Completing all construction actions at these sites, which have presented public health risks to our communities, allows for reuse and redevelopment.

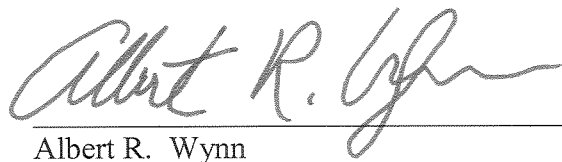
In order to further understand how this dramatic slowdown in the rate of cleanups could occur at these highly contaminated toxic waste sites, we request responses to the attached questions no later than Monday, March 5, 2007.

Should you have any questions, please contact Richard A. Frandsen of the Committee staff at (202) 225-2927.

Sincerely,



John D. Dingell
Chairman



Albert R. Wynn
Chairman
Subcommittee on Environment
and Hazardous Materials

Attachment

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

The Honorable John Shimkus, Ranking Member
Subcommittee on Environment and Hazardous Materials

ATTACHMENT

1. Please identify each of the 40 sites where the agency planned on completing all remediation construction activities in FY2007.
2. Please identify the sites that were in the agency's projected construction complete list for FY2007 but are now not expected to be completed in FY2007. Further, please provide the specific reasons why the site will not attain construction complete status and indicate the specific date when the agency learned that the site would not reach construction complete status in FY2007.
3. For those sites that the agency intended to complete all remediation construction activities in FY2007 but now does not plan on doing so, please provide all documents (including electronic correspondence) that relate to the original decision to include the site in the target list of 40 for FY2007 and all documents (including electronic correspondence) that relate to the determination that the site will not attain construction complete status in FY2007.
4. Of the 40 construction completions predicted by EPA in the President's FY2007 Budget, please identify by site name the ones that were:
 - (a) Potentially Responsible Party (PRP) lead site;
 - (b) EPA Fund lead sites; and
 - (c) Federal facility sites.

Further, please indicate the date that the final record of decision for each site was signed and the date construction activities began at the final operable unit. In addition, specify the anticipated cost of actions covered by the final record of decision, the anticipated cost of actions for the final operable unit, the amount expended prior to FY2007, and the expenditure amount projected for FY2007 as necessary to attain construction complete status.

5. Please identify by name and location each of the 30 sites that the EPA projects will attain construction complete status in FY2008. For each site indicate whether it is Fund lead, PRP lead, or a Federal facility and indicate the amount of funding that needs to be expended in FY2008 to attain construction complete status.

6. Please identify the name and location of each of the non-Federal NPL sites that were listed in 1993 or earlier and provide the following information:
 - (a) Has the final record of decision been signed and, if so, when?
 - (b) If the final record of decision has not been signed, when do you expect it to be signed?
 - (c) What percentage of the total remedial work at the site has been accomplished and when does the agency project that the site will attain construction complete status?
 - (d) If a Fund lead site, please state the cost in dollars necessary to complete all remedial construction activities at the site.
 - (e) If a PRP lead site, please identify the principal PRPs responsible for completing all remaining remedial construction actions.

7. Information from EPA's Superfund Site Information Web site shows that there were a total of 437 non-Federal NPL sites and 117 Federal facility NPL sites that had not attained construction complete status as of October 1, 2006. Please provide a document listing each non-Federal NPL site by State and location and indicate the following:
 - (a) Whether, it is Fund lead or PRP lead;
 - (b) How many operable units there are at each site;
 - (c) Whether the final record of decision has been signed for the site;
 - (d) If the final record of decision has not been signed, indicate when it is projected to be signed; and
 - (e) For sites with a final record of decision, provide the date remedial construction activities were initiated and the date all remedial construction activities are projected to be completed.

8. On October 25, 2002, the EPA Inspector General identified seven Superfund NPL sites that EPA Regional Offices had requested funding for remedial construction activities, but did not receive any funding for that purpose. For each of these seven sites (listed below), please provide the following information:

- (a) The date that remedial construction funding was first made available;
- (b) How much has been spent on remedial construction activities since the funding was made available;
- (c) The total amount of funding that has been made available for remediation construction activities;
- (d) What remediation construction work is left to be done;
- (e) The estimated amount of funding needed to complete all construction activities; and
- (f) When construction is expected to be complete.

Region	State	Site
1	MA	Atlas Tack Corp.
1	VT	Elizabeth Mine
5	IL	Jennison-Wright Corp.
5	IN	Continental Steel Corp.
6	LA	Central Wood Preserving Co.
6	TX	Hart Creosoting Co.
6	TX	Jasper Creosoting Co.

9. On January 7, 2004, the EPA Inspector General identified 11 Superfund NPL sites where construction activities were ready to begin but no funding was available in FY2003. For each of these 11 sites (listed below) please provide the following information:

- (a) The date that remedial construction funding was first made available;
- (b) How much has been spent on remedial construction activities since the funding was made available;
- (c) The total amount of funding that has been made available for remediation construction activities;
- (c) What remediation construction work is left to be done;

- (d) The estimated amount of funding needed to complete construction; and
- (e) When construction is expected to be complete.

Region	State	Site
1	MA	Atlas Tack Corp.
1	NH	Mohawk Tannery
1	NH	New Hampshire Plating
1	VT	Elizabeth Mine
5	IL	Jennison-Wright Corp.
5	IN	Continental Steel Corp.
6	LA	Marion Pressure Treating
6	NM	North Railroad Ave. Plume
6	TX	Hart Creosoting Co.
6	TX	Jasper Creosoting Co.
10	OR	McCormick and Baxter

10. By letter dated October 13, 2004, EPA provided to this Subcommittee a list of 34 Superfund ranked projects that did not receive remedial construction funds in FY2004. For each of these 34 projects (listed below) please provide the following information:

- (a) The date that remedial construction funding was first made available;
- (b) How much has been spent on remedial construction activities since the funding was made available;
- (c) The total amount of funding that has been made available for remediation construction activities;
- (d) What remediation construction work is left to be done;
- (e) The estimated amount of funding needed to complete construction; and
- (f) When construction is expected to be complete.

Region	State	Project
1	MA	Atlas Tack Phase 2 (soils)
1	MA	Atlas Tack Phase 3 (wetlands)
1	MA	Hatheway & Patterson
1	NH	Mohawk Tannery
1	NH	Ottati & Goss
1	VT	Elizabeth Mine Phase 2
2	NJ	Kaufman & Minter
2	NJ	Roebing Street (Slag)
3	DE	Standard Chlorine of DE
3	PA	Crossley Farm
3	PA	Franklin Slag Pile
3	PA	Havertown PCP
4	FL	Sapp Battery
4	GA	Brunswick Wood Preserving
4	GA	Marzone/Chevron
4	TN	Wrigley Charcoal
5	IL	Ottawa Radiation Areas 1, 4, 9, 11
5	IN	Continental Steel Corp. (CAMU)
5	IN	Continental Steel Corp. (Main Plant)
5	IN	Continental Steel Corp. (Markland Quarry)
6	AR	Mountain Pine Pressure Treatment
6	LA	Marion Pressure Treating Co.
6	TX	Hart Creosoting Co.
6	TX	Jasper Creosoting Co.
6	TX	Rockwool Industries
8	CO	California Gulch
8	CO	Central City/Clear Creek (Big 5)
8	CO	Central City/Clear Creek (Chase)
8	CO	Central City/Clear Creek (Gilpin)
8	CO	Summitville Mine
8	MT	Upper 10 Mile Creek (Tier 2)
8	UT	Jacobs Smelter
9	CA	Pemaco
10	ID	Bunker Hill (Washington Rec. Area)

11. Please provide a list of all non-Federal Superfund NPL sites and/or projects for which the EPA Regional Offices requested remediation construction funding in FY2005 and FY2006, but did not receive such funding during that fiscal year. For each of the listed sites and projects, please provide the following information:

- (a) The date that remedial construction funding was first made available;
- (b) How much has been spent on remedial construction activities since the funding was made available;
- (c) The total amount of funding that has been made available for remediation construction activities;
- (d) What remediation construction work is left to be done;
- (e) The estimated amount of funding needed to complete construction; and
- (f) When construction is expected to be complete.