

W.J. "BILLY" TAUZIN, LOUISIANA
RALPH M. HALL, TEXAS
MICHAEL BILIRAKIS, FLORIDA
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
PAUL E. GILLMOR, OHIO
JAMES C. GREENWOOD, PENNSYLVANIA
CHRISTOPHER COX, CALIFORNIA
NATHAN DEAL, GEORGIA
RICHARD BURR, NORTH CAROLINA
ED WHITFIELD, KENTUCKY
CHARLIE NORWOOD, GEORGIA
BARBARA CUBIN, WYOMING
JOHN SHIMKUS, ILLINOIS
HEATHER WILSON, NEW MEXICO
JOHN B. SHADEGG, ARIZONA
CHARLES W. "CHIP" PICKERING, MISSISSIPPI
VITO FOSSELLA, NEW YORK
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
CHARLES F. BASS, NEW HAMPSHIRE
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE FERGUSON, NEW JERSEY
MIKE ROGERS, MICHIGAN
DARRELL E. ISSA, CALIFORNIA
C.L. "BUTCH" OTTER, IDAHO
JOHN SULLIVAN, OKLAHOMA

ONE HUNDRED EIGHTH CONGRESS

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

JOE BARTON, TEXAS
CHAIRMAN

March 24, 2004

JOHN D. DINGELL, MICHIGAN
HENRY A. WAXMAN, CALIFORNIA
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
EDOLPHUS TOWNS, NEW YORK
FRANK PALLONE, JR., NEW JERSEY
SHERROD BROWN, OHIO
BART GORDON, TENNESSEE
PETER DEUTSCH, FLORIDA
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
ALBERT R. WYNN, MARYLAND
GENE GREEN, TEXAS
KAREN MCCARTHY, MISSOURI
TED STRICKLAND, OHIO
DIANA DeGETTE, COLORADO
LOIS CAPPS, CALIFORNIA
MICHAEL F. DOYLE, PENNSYLVANIA
CHRISTOPHER JOHN, LOUISIANA
TOM ALLEN, MAINE
JIM DAVIS, FLORIDA
JAN SCHAKOWSKY, ILLINOIS
HILDA L. SOLIS, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Marianne L. Horinko
Assistant Administrator
Office of Solid Waste and Emergency Response
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Assistant Administrator Horinko:

A review of the Superfund National Priority List (NPL) sites reveals that 63 percent of the non-federal sites have reached construction complete status but only 24 percent of the 141 Department of Defense (DOD) facilities have attained construction complete status. This dramatic disparity in cleanup progress between DOD facilities and non-federal sites is very disturbing. The Superfund statute requires that remedial actions at federal facilities subject to interagency agreements "shall be completed as expeditiously as practicable" (Section 120(e)(3)).

In reviewing the NPL listings over the past three years, including the one announced on March 8, 2004, it appears that no DOD facilities have been listed. It also appears that no DOD facility has been proposed for listing on the NPL in the past three years.

One of the last DOD facilities proposed for listing was Chaunte Air Force Base (AFB) in December 2000. We have been informed that both the EPA and the State of Illinois want it listed on the NPL, but the Air Force has been resisting. Please explain why Chanute AFB has not been listed. The Superfund statute clearly intends that the Administrator list such facilities on the NPL if they meet the criteria established in accordance with Section 105 under the National Contingency Plan.

In order to evaluate the status of cleanup progress and evaluation and listing of DOD facilities on the NPL, we request responses to the following questions and information requests no later than Monday, April 19, 2004.

1. Has the Office of Management and Budget (OMB) been involved in the final listing decision on Chanute AFB? If so, please describe in detail the involvement of OMB.

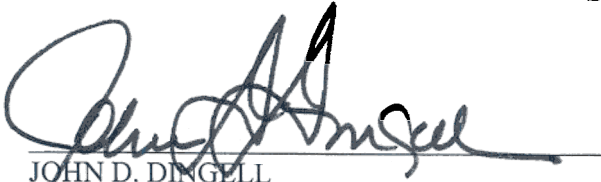
2. Please provide all documents that relate to the listing of Chanute AFB on the NPL, including any communications between EPA officials and officials at the DOD and OMB.
3. Please provide the HRS evaluation package for Chanute AFB and any communications from the State of Illinois with respect to its listing on the NPL.
4. Is it correct that no DOD facility has been listed on the NPL during the Administration of President George W. Bush? Please explain why all such listings have ceased since January 2001. Further, please identify all such DOD facilities that have been assessed and evaluated as provided in CERCLA Section 120(d) since January 1, 2001.
5. Is it correct that no DOD facilities have been proposed for listing on the NPL since the beginning of President George W. Bush's administration? If so, please explain why.
6. In addition to Chanute AFB, five other DOD facilities have been previously proposed for the NPL but not finally listed. They are Air Force Plant 85 (Ohio), Arnold Engineering Development Center (Tennessee), Richenbacker Air National Guard (Ohio), Sunflower Army Ammunition Plant (Kansas), and Wurthsmith Air Force Base (Michigan). For each facility, please explain the reasons why its listing on the NPL has not been finalized.
7. Is it correct that at Langley Air Force Base in Virginia, the Air Force has violated the Superfund statute by adopting a remedial record of decision without EPA's concurrence? What action is the EPA taking in response to the Air Force's unilateral adoption of the record of decision?
8. The Superfund statute (Section 120(e)) requires the DOD at facilities included on the NPL to enter into "interagency agreements" with the Administrator for the "expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility." Is it correct that DOD has been delaying and/or refusing to enter into interagency agreements with the EPA? If so, please identify each DOD facility where the interagency agreement has been delayed, the period of the delay, and the specific issue(s) causing the delay.
9. Please provide the funding levels for EPA's Federal Facilities Restoration and Reuse Office for FY 2001, FY 2002, FY 2003, FY 2004 and the President's budget request for FY 2005. Of the total funding for this office, please indicate the dollar amount that has been provided by the DOD each of the past four fiscal years.

10. Please identify all DOD facilities that the Regions or the states have identified as potential or likely candidates for listing on the NPL since January 1, 2001.
11. How many Hazard Ranking System evaluations have been performed at DOD facilities since January 1, 2001? Please identify the facility and provide the preliminary assessment and the evaluation package.
12. Please identify each DOD facility that has been added to the Federal Agency Hazardous Waste Compliance Docket established by CERCLA Section 120(c) since January 1, 2001.
13. For the former Sioux Army Depot in Sidney, Nebraska, EPA's Region 7 and the Nebraska Department of Environmental Quality have been requesting an environmental remediation investigation since 1990. Why has it taken more than a decade? What is the current status of this investigation and any cleanup at the site?
14. Please identify each DOD facility or portion of a DOD facility that has been transferred under the so-called early transfer provisions of CERCLA Section 120(h)(3)(c). Please also identify the date of the transfer, the transferee, and the contamination that remained to be remediated as of the date of the transfer. Since Section 120(h)(3)(c) allows for deferral of the covenant that "all remedial action necessary to protect human health and the environment has been taken" if the deferral and the transfer of the property" will not substantially delay any necessary response action at the property" please describe the current status of the cleanup at each transferred property and indicate when the warranty provided for in CERCLA Section 120(h)(3)(c)(iii) has been or will be executed and delivered by the United States.
15. Please identify each ROD issued for a DOD facility in FY 2001, FY 2002, and FY 2003 and indicate whether in the case of groundwater contamination, the remedy selected will return the contaminated groundwater to beneficial reuse that meets drinking water standards. Further indicate whether the groundwater was natural attenuation or engineered remedies or other active means of groundwater treatment.
16. When did the EPA first learn that drinking water with elevated levels of TCE and PCE was supplied to military families at Camp Lejeune, N.C.? What action, if any, has the EPA taken in response?

The Honorable Marianne L. Horinko
Page 4

If you have any questions about this request, please contact us or have your staff contact Richard Frandsen, Senior Minority Counsel, at (202) 225-3641.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND COMMERCE



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