S. HRG. 107–1007

SUPERFUND PROGRAM: REVIEW OF THE EPA INSPECTOR GENERAL'S REPORT

HEARING

BEFORE THE

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK, AND WASTE MANAGEMENT

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

JULY 31, 2002

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SUPERFUND PROGRAM: REVIEW OF THE EPA INSPECTOR GENERAL'S REPORT

WEDNESDAY, JULY 31, 2002

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 o'clock a.m. in room 406, Dirksen Senate Office Building, Hon. Barbara Boxer (chairman of the subcommittee) presiding.

Present: Senators Boxer, Inhofe, Crapo, Carper, Corzine, and Jeffords (ex officio).

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. The subcommittee will come to order.

Welcome, Senator Inhofe.

We will be having colleagues who are very interested in the Administration's proposal on Superfund coming here this morning. Their names are up—Senators Kerry, Schumer, Nelson, and Torricelli. Because this is the last week we're here, everybody is being pulled in many different directions, so I thought I would hold a hearing today that would accommodate colleagues as best as possible, so what I'll do is—Senator Inhofe, are your time constraints major at this point?

Senator INHOFE. No.

Senator BOXER. OK. Then I'll give my brief statement, then I'll call on you to give yours, and then what we'll do is we will, as colleagues come in, we will permit people who are speaking to complete and we'll go to the colleagues. It is going to be a little bit flexible this morning.

Today the Superfund Toxics, Risk and Waste Management Subcommittee will conduct its second oversight hearing into the Superfund program at the Environmental Protection Agency. The focus of this hearing, from my perspective, will be on the continued threats to the Superfund program recently documented in a report by the Inspector General's Office of the Inspector General of the EPA.

Why does the health of the Superfund program matter so much? The Superfund program is critically important because these toxic sites threaten the health and well-being of every community where they are located. The number of people affected by Superfund sites is surprisingly high. There are over 1,200 national priority Super-

fund sites. You can see them. One in four Americans, including ten million children, live within four miles of a Superfund site.

Why is it important to note that 10 million children live there? We know that children are much more vulnerable to these kinds of toxics. The proof is in on that.

California has about 100 sites and ranks No. 2, second only to New Jersey in the number of toxic sites. Over 40 percent of Californians live within four miles of a Superfund site.

The health effects of these sites are very real. Superfund sites contain hazardous materials like arsenic, lead, mercury, even agent orange. The Agency for Toxic Substances and Disease Registry reports that living near a Superfund site is associated with increased birth defects, low birth weight, changes in pulmonary function, neurological damage, and leukemia.

For months, we have been seeking information on the state of the Superfund program. I convened the first oversight hearing on Superfund in this subcommittee because it has quickly become clear that the very foundation of this program is being undermined. The raw numbers of sites being cleaned up and projected for cleanup looks bleak.

To try and get some answers, the chair and ranking members of the full committee and this subcommittee sent an information request to EPA on March 8th. Unfortunately, we have yet to receive a complete response to our request. Senator Jeffords and I sent a second request. Senator Chafee and I sent a third request. This has been necessary due to enormous gaps in the information provided to us by the Environmental Protection Agency.

EPA's responsibility to provide requested information to this committee is clearly not a partisan issue. There has been a great reluctance on EPA's part to share information with this oversight committee and with the public. In fact, nearly every document shared with this subcommittee has been marked "privileged." We even have received blank pieces of paper marked "privileged." The emphasis on secrecy where the public right to know is so clear is extremely disturbing. We even had documentation at the last hearing that the home office here sent a note out to the regional offices not to answer any questions at all on Superfund, but rather to get them to the PR people to handle. Well, this isn't a PR issue; this is a public health and safety issue. It's a children's health issue. And it's just not going to wear well with this subcommittee and this full committee if we can't get the information, regardless of what side of the fence we are on on Superfund.

After months of negotiation, EPA has agreed to more fully respond to our information request. If they mean it this time, they should provide those documents to me next week. We have made every effort to obtain cooperation from EPA without issuing a subpoena, but time is running out.

I reviewed the Inspector General's report with great interest because it provided some of the answers we have been looking for on how the slow-down of the Superfund program is affecting local communities. These communities surely have a right to know and to weigh in if cleanups of their site are in jeopardy.

The Inspector General surveyed the regions and came up with evidence of a growing backlog in this program. I want to commend the Inspector General for her efforts.

EPA has recently moved money from other sites to partially fund a few of the sites in the Inspector General's report, but let me stress the majority of the sites that were going to be cleaned remain unfunded. Millions of dollars worth of work that the regional offices requested may still go undone this year, alone.

A question I will ask today is: what States will suffer because funds are not available for their sites? And remember, when you take money from other sites in the country, those sites are going to be short money. So now we are in a situation where they are robbing Peter to pay Paul to take a little heat off of them, and what's going to happen when those other sites need the funding? We're going to be back in a circular problem.

So many of the sites have waited so long that even the remedy may no longer fit, and so when you delay you're going to wind up costing more time and more money. In fact, I just learned that the chemical insecticide site in New Jersey, which was the subject of our last oversight hearing, not only hasn't received any funds, but seems to be leaking into the back yards in a residential neighborhood once again. This site has severe contamination, including agent orange, arsenic, and dioxin. There is apparently—and this is new information—a strong chemical odor in the stream that runs from the site—this is new—because of these delays.

The temporary cap that was placed on may have reached the end of its life. Public health may well be threatened again. The Superfund program must address this site and others like it.

A key to restoring the program is to put it on solid financial ground. We need the support of this Administration. Senator Chafee and I have a bill for our renewal of the polluter fee, the polluter tax. This is another example of corporate responsibility run amuck.

The bottom line, as my mother used to say to me, is: "Gotta cleanup your room. You made the mess, you've got to clean it up." The same thing must apply to these companies. And we give them a break. Some of them are terrifically innocent of any problem. They get a fee, a fund. It's very small, if you look at the numbers—a percentage of their annual budget—and they get certain liability waivers because of it. It is a good, solid program. My understanding is this is the first Administration never to support this fund. That goes for the Republican Administrations, that goes for Democratic Administrations. We don't hear any encouraging word. As a matter of fact, in the budget it is specifically stated that they do not support the tax.

So bottom line is we have a way to solve the problem. Let's do it together. We have a bipartisan bill, Senator Chafee and I, to get this polluter fee back in play. We need the help of the Administration. Certainly the Environmental Protection Agency shouldn't turn into the Environmental Pollution Agency. That isn't what their job is.

We've got heartache out there in the countryside, and some of those people are here today, because, A, they're not sure if they're going to be cleaned; B, they think they're not; C, the Inspector Gen-

eral has issued this report that's pretty detailed; D, the EPA's response to the newspaper articles is to shove a few dollars from other projects into some of these projects, but they still leave most of them unattended.

So I say that this Administration needs to step up to the plate. They will find tremendous cooperation from this committee, and I think the people in our country deserve no less.

What I'm going to do is call first on Senator Inhofe, Senator Carper, then Senator Nelson.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. Thank you, Madam Chairman.

I think that the record needs to be set straight on a number of fronts, including funding. It is industry, not the EPA, that has been funding the vast majority of the cleanups. Over 70 percent of the site cleanups have been conducted and paid for by private parties. Now, I think your mother would be pleased to know that they're cleaning up their own rooms.

The law puts the burden of paying for cleanup squarely on the responsible parties. The trust fund only bears the cost of cleanup when no responsible party can be found or where Congress has exempted the responsible party, such as they exempted a responsible party in South Dakota.

In the 7 years since Superfund tax has expired, responsible parties continue to pay for all cleanup costs at their sites and reimburse the EPA for its oversight of the cleanup. Last year the EPA collected a record $1.7 billion in cleanup funds from responsible parties, more than EPA spends for Superfund each year.

Of the remaining 30 percent of the sites, the Bush Administration has not cut funding for Superfund cleanups. All sites with ongoing cleanups will receive funding in the fiscal year 2002 to allow work to continue, and no work is being suspended. This is contrary to some of the articles, including the "New York Times" that made people believe something that is not true.

In my State of Oklahoma, one site, the Hudson Refinery, will be allowed to begin cleanup. I do not think that the EPA funding this site at $3 million to begin cleanup is a step in the wrong direction. The other site, Tar Creek—Tar Creek happens to be the Nation's worst Superfund site, and we'll continue ongoing efforts to clean up that site.

Now, let me say something about the IG report. The IG report is not an accurate depiction of what is really happening. The Superfund cleanup construction program is constantly evolving, and funding decisions are made over the course of the entire year, not simply at the beginning of the fiscal year. As a result, the Inspector General's report represents a snapshot in time 2 months ago and does not reflect accurately current funding decisions nor all final funding decisions. When phases of the Superfund cleanup process are completed, some funding may remain in related contrast. This left-over money may be applied to fund construction at other sites. This funding is often secured toward the end of the fiscal year. Moreover, final funding decisions may occur late in the fiscal year.

Far from cutting or eliminating sources of funding, the EPA plans to use all of its fiscal year 2002 funding for cleanup construction—that's $224 million—and is also working diligently to secure additional funding from completed Superfund contracts that have dollars left over after they've completed the process.

Now, Senator Boxer and I do not see eye-to-eye on a lot of things, but we worked very well together on the brownfields legislation; however, when moving the brownfields legislation I made it crystal clear that the Superfund taxes should not be reinstated until comprehensive reform is enacted. I'm talking about comprehensive liability reform, comprehensive used oil recycling reform. While important, the brownfields legislation is not comprehensive reform; therefore, I'd strongly oppose any efforts to reinstate taxes until true reforms are enacted.

Despite what will be implied today, Superfund will continue to take action to address imminent threats to human health and the environment through the Superfund energy removal program. Furthermore, the Bush Administration has been and will continue to ensure that our Nation's most contaminated sites are cleaned up.

Thank you, Madam Chairman.

Senator BOXER. Thank you so much.

[The prepared statement of Senator Inhofe follows:]

STATEMENT BY HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

I think that the record needs to be set straight on a number of fronts. Industry—not EPA—has been funding a vast majority of cleanups. More than 70 percent of site cleanups have been conducted and paid for by private parties. The law puts the burden of paying for cleanup squarely on responsible parties. The Trust fund only bears the costs of cleanup when no responsible party can be found, or where Congress has exempted the responsible parties. In the 7 years since Superfund taxes expired, responsible parties continued to pay for all cleanup costs at their sites and reimbursed EPA for its costs to oversee cleanup. Last year, EPA collected a record $1.7 billion in cleanup funds from responsible parties—more than EPA spends for Superfund each year.

Of the remaining 30 percent of sites, the Bush Administration has not cut funding for Superfund cleanups. All sites with on-going cleanups will receive funding in fiscal year 2002 to allow work to continue, and no work is being suspended.

In my home State of Oklahoma, one site will be allowed to begin cleanup. I do not think that EPA funding this site at $3 million to begin cleanup is a step in the wrong direction. The other site, Tar Creek—the Nation's worst Superfund site, will continue ongoing efforts to clean up the site.

The IG report is not an accurate depiction of what is really happening. The Superfund cleanup construction program is constantly evolving, and funding decisions are made over the course of the entire year—not simply at the beginning of the fiscal year. As a result, the Inspector's General report represents a snap shot in time, 2 months ago, and does not accurately reflect current funding decisions nor all final funding decisions. When phases of the Superfund cleanup process are completed, some funding may remain in related contracts. This left-over money may be applied to fund construction at other sites. This funding is often secured toward the end of a fiscal year. Moreover, final funding decisions may occur late in the fiscal year.

Far from cutting or eliminating sources of funding, EPA plans to use all of its Fiscal Year 2002 funding for cleanup construction ($224 million) and is also working diligently to secure additional funding from completed Superfund contracts that have dollars left over after the bills are paid.

Senator Boxer and I do not see eye-to-eye on a lot, but we worked very well together on the brownfields legislation. However, when moving the brownfields legislation, I made it crystal clear that the Superfund taxes should not be reinstated until comprehensive reform is enacted. While important, brownfields legislation is NOT comprehensive reform. Therefore, I will strongly oppose any efforts to reinstate the taxes until true reforms are enacted.

Despite what will be implied today, Superfund will continue to take action to address imminent threats to human health and the environment through the Superfund emergency removal program. Furthermore, the Bush Administration has been and will continue to ensure that our nation's most contaminated sites are cleaned up.

Senator INHOFE. One more thing?

Senator BOXER. Yes.

Senator INHOFE. I was supposed to ask unanimous consent to insert Senator Smith's opening statement in the record at this point.

Senator BOXER. Without objection, so ordered. I will also insert into the record Senator Durbin's statement, which I hope the EPA will read. He has numerous concerns.

[The prepared statements of Senators Smith and Durbin follow:]

STATEMENT OF HON. BOB SMITH, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Today's hearing focuses on a recent EPA IG report—or more, to the point, this hearing is responding to how the media has characterized this report. Unfortunately, some are taking the media characterization as fact. It is my hope that the facts will finally get their chance. When the IG report was issued, it was a snapshot in time—that is all. In fact, had the IG done similar reports 5 or 10 years ago, we would have seen basically the same picture. The Superfund funding decisionmaking process has not changed with this Administration. Needless to say, when I read the New York Times article and saw a New Hampshire site on the list I was particularly disturbed because it was my understanding that the cleanup of the Merrimack site was on schedule. Of course when I spoke with EPA after reading the article, they assured me that the cleanup was, in fact, on schedule and its inclusion was being grossly mischaracterized. We all know this hearing is about the elections in November, plain and simple. You take a report from the Inspector General office, leak it to the New York Times with a misleading spin, and all of the sudden you have good story.

There has also been an on-going dialog between EPA and this committee regarding information on Superfund. Many have been claiming that EPA has been nonresponsive and uncooperative in providing documents to the committee on this matter. The correspondence that

I have received however indicates otherwise. For the record, I would like to submit the letter from EPA to the Superfund Subcommittee chair and ranking member, in addition to a chronology of the steps taken to provide the committee with documentation.

Playing politics with the environment is nothing new, and it is always unproductive. Every single major environmental law passed the Congress with strong bipartisan support. Every time political grandstanding entered into the debate progress stopped—but of course political points were scored. It's a shame when you put environmental politics above environmental progress. I hope that we can put this partisanship behind us and move forward on protecting the environment.

CHRONOLOGY OF SEPW INFORMATION REQUEST

March 8, 2002

Senators Jeffords, Smith, Chafee, and Boxer mailed letters (dated "March 8, 2001") to each of EPA's ten regional offices. The letters requested detailed information regarding the Superfund program. Although some regions did not receive the request, headquarters made sure that all the regions were aware of the request so that they could begin to prepare responses.

March 15, 2002

Ed Krenik of OCIR sent a letter to Senator Jeffords, et al., requesting a meeting to discuss the scope of the letter and to request that in the interest of accuracy, timing and resources, that the scope be defined to exclude redundant and non-responsive materials.

March 26, 2002

EPA Headquarters Office of congressional and Intergovernmental Affairs (OCIR) and Office of Solid Waste and Emergency Response (OSWER) participated in a conference call with SEPW committee staff (including Boxer staff) in order to clarify

the request so that the information can be provided prior to the April 10, 2002, hearing.

April 4, 2002

Information discussed at meeting is delivered to Senators Jeffords, Smith, Chafee and Boxer. Information provided included the regional responses to questions 1, 2, 3, 4, 5, 6, and 7 including headquarters attachments referred to by the regional offices (new start list, January 3 funding distribution memo for 1St and 2d quarters of fiscal year 2002, and 3 construction completion status updates). At this time, it was OCIR's understanding that all information requested by the March 8, 2002, letter had been provided.

April 10, 2002

SEPW subcommittee hearing was held at which Marianne Horinko testified.

Week of April 15, 2002

Senator Boxer's staff called to request information in addition to that provided for the April 10' hearing.

Week of April 22, 2002

OCIR and OSWER staff requested another meeting to determine exactly what information is being requested.

May 13, 2002

Meeting and a briefing on Superfund performance is held in SEPW hearing room. Meeting is widely attended by representatives from SEPW committee and the Democratic Party Communications Staff. During the meeting, Senator Boxer's staff again requests a list of "unf inded" sites. Again, OCIR staff explain how program is managed and why there is no Agency listing of "unfunded" sites.

May 23, 2002

Governor Whitman met with several Senators regarding Clean Air issues. The Governor and Senator Boxer also discussed Superfund issues.

May 31, 2002

OCIR (Ed Krenik and Don McKinnon) met with the staff of Senators Jeffords and Boxer and provided copies of fiscal year 2001 ConstructionCompletion Candidate Site Status updates, copies of fiscal year 2002Construction Completion Candidate Site Status updates, the fiscal year 2002Construction Completion Candidate Sites update—May 2002, the list of fiscal year 2001 sites that reached construction completion, and a list of the reasons sites identified in first fiscal year 2001 Construction Completion Candidate Site Status update did not reach construction completion.These documents are later officially provided in the letter dated June 4, 2002.

May 31, 2002

Letter from Senators Jeffords and Boxer asking for the additional information by June 20.

June 4, 2002

Letter to Senator Boxer from Ed Krenik including e-mails from OCIR staff asking for the regions to submit additional information.

June 20, 2002

Letter to Senators Jeffords and Boxer with approximately a 3-foot stack of documents delivered to SEPW staff. Documents provided include a privileged June 6, 2002, funding memo distributing the 3d and 4th quarter fiscal year 2002 funding for the Superfund Program, a list of Federal facilities that are megasites, and a compilation of the updated regional responses to questions 1, 4, 5., 6, and 7.

June 27, 2002

Responses to questions from the April 10, 2002 hearing were provided to the committee. EPA has requested, and is waiting for, the hearing transcript.

July 23, 2002

Letter dated July 23, 2003 sent by the SEPW committee received by EPA. The letter was effectively an outline of concerns on the part of the committee regarding EPA's response to the March Stn information request.

July 24, 2002

Response to aforementioned letter sent to the committee from Ed Krenik. The response consisted of assurances that the Agency made every attempt to comply with

the original request and an outline of EPA's commitment to obtaining the additional information identified and requested by the committee in its July 23d letter.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS,
Washington DC 20480, July 24, 2002.

The Honorable BARBARA BOXER, *Chair,*
Subcommittee on Superfund, Toxics, Risk, and Waste Management,
Committee on the Environment and Public Works,
U.S. Senate,
Washington, DC 20510

DEAR MADAM CHAIR: Thank you for your letter of July 23, 2002 to Administrator Whitman requesting documents related to EPA's management of Superfund site funding. Administrator Whitman and I appreciate the importance of congressional oversight, and we will continue to make our best effort to meet the oversight needs of the subcommittee.

I would like to take this opportunity to explain how we responded to the committee's previous request, and the steps we will use for this request. First, I want to assure you the Agency has made every attempt to comply with the original request of March 8, 2002. As you know, the committee's original letter was sent to all 10 EPA Regions. After several Regional offices began asking Headquarters how to respond to the broad scope of the letter, we requested a meeting with your staff and committee staff to discuss ways to better target the request toward information that would be useful to the committee, and to provide information prior to the April 10, 2002 subcommittee hearing. After meeting with your staff, we followed up with several emails to our Regional offices—including an email to each Regional Administrator—referencing your letter and requesting that they search for responsive documents. We provided clarifications and attempted to give examples of what would be responsive and what would not be necessary to collect, based on our understanding of your needs. For example, based on our understanding that your staff was interested in gaining an understanding of the budget and management decisions made by EPA with regard to Superfund sites, we directed Regional staff to exclude construction and design plans, copies of contracts, invoices and related communications, personnel related papers, etc. We had numerous conversations with several Regions to explain the scope of the request, answer questions, and to request further document searches for materials that fell within the request, as it was written, particularly when we saw significant variability in the Regional responses. All of the Regional documents, about a three foot stack, were provided to the committee.

While it is true that we did not provide your staff with a copy of Headquarter's communications with the Regions until after we had begun providing documents to you, the process of negotiating your request was entered into in good faith. Our actions following those conversations likewise were good faith efforts to meet your needs. As we move forward we will redouble our effort to keep your staff informed of our internal process for document collection. While this level of transparency is unprecedented in our experience with Congress, we are pleased to make every effort to give you the assurances you need that all appropriate documents are collected and forwarded to the subcommittee.

Please let me assure you that information gaps (email attachments, etc.) in the documents that we provided you on June 20, 2002, were unintentional. Any such problems can be resolved with a phone call to me or my designated staff. Nonetheless, at the July 17, 2002 meeting of your staff and Marianne Horinko, Assistant Administrator for lid Waste and Emergency Response, the Agency committed to providing copies of all such information that was mistakenly not printed out, and will specifically request that Regions print such documents in our next instructions to Headquarters and Regional offices.

We will again send your letter to each Regional Office,—as well as Headquarters offices that may have responsive documents. If there are any instructions included with the transmittal of your letter to EPA offices, I will provide your staff an opportunity to review the transmittal, as discussed at the July 17 meeting. My staff has made recommendations on how your request could be targeted to more efficiently meet your oversight needs without requiring EPA staff to collect extraneous documents. However, if you prefer, we will transmit your request without any modification with respect to the type of documents requested. In any event, we will provide instructions for assembling and reviewing the documents (identifying privileged documents, etc.).

Enclosed, in response to your July 23d letter, is the enforcement sensitive Remedial Action Priority List. Although we had not received a written request for this list prior to your July 23, 2002 letter, we did make several offers to your staff to review the document at EPA. You should be aware that, on the advice of EPA's General Counsel, Office of Enforcement and Compliance Assurance, Office of Solid Waste and Emergency Response, and the Department of Justice, access to this document must be carefully controlled. I remain very concerned that the release of this document, or any information from the document, could seriously undermine ongoing enforcement activity and the effectiveness of the Federal Superfund program. The Remedial Action Priority List contains information that is subject to the deliberative process privilege and is enforcement sensitive, and is marked as privileged. EPA's disclosure of this document to you does not constitute a waiver of any applicable exemptions under the Freedom of Information Act (FOIA) that EPA may claim in response to FOIA requests for this document. In addition, EPA's disclosure of this document to you does not constitute a waiver of any applicable legal privileges that EPA may claim in litigation or other proceedings. I therefore request that you preserve the confidentiality of this document and all documents marked privileged or sensitive by refraining from making or providing copies, or otherwise communicating the contents of these documents, to persons other than those with a need to know as part of this congressional oversight review.

I have also enclosed a fact sheet and status report on 33 Superfund sites that have been the subject of media attention. While not requested in your letter, these documents were requested by your staff at the July 17, 2002 meeting.

To date, in addition to this letter and enclosures described above, the Agency has provided to you a privileged June 6, 2002, funding memo distributing the 3d and 4th quarter fiscal year 2002 funding for the Superfund Program, a list of Federal facilities that are megasites, and a compilation of the 10 regional responses to questions 1, 4, 5, 6, and 7 of your March 8, 2002 letter. You have also received: the January 3, 2002 funding distribution memo for the 1st and 2d quarters of fiscal year 2002; the fiscal year 2001 Construction Completion Candidate Site Status updates; the fiscal year 2002 Construction Completion Candidate Site Status updates; the fiscal year 2002 Construction Completion Candidate Sites update (dated May 2002); the list of fiscal year 2001 sites that reached construction completion; and a list of the reasons that sites identified in first fiscal year 2001 Construction Completion Candidate Site Status update did not reach construction completion. These documents were officially provided in the letter to the committee dated June 4, 2002.

If I can be of further assistance, please don't hesitate to contact me, or your staff may call John Reeder on 202/564–5200.

Sincerely,

EDWARD KRENIK, *Associate Administrator.*

STATEMENT OF HON. RICHARD J. DURBIN, U.S. SENATOR FROM THE STATE OF ILLINOIS

Thank you, Senator Boxer, for inviting me to testify before the Subcommittee on Superfund, Toxics, Risk and Waste Management of the Senate Environment and Public Works Committee on the important topic of the Superfund program. I also want to thank Senator Jeffords, and the members of this subcommittee, for your leadership on the many critical environmental protection issues we face. Finally, I want to applaud Senators Boxer and Chafee for introducing legislation to reinstate the Superfund "polluter pays" taxes. I am proud to be a cosponsor.

The Inspector General of the Environmental Protection Agency (EPA) reported on June 24 that the agency has slowed or stopped funding at 33 Superfund sites in 18 States. One of them, the Jennison Wright Corporation in Granite City, Illinois, is not receiving the funding needed to bring the site to the construction complete phase. For years we have seen the Superfund Trust Fund dwindle, as some in Congress, and now in the Administration, has resisted reauthorizing the "polluter pays" taxes. Today's testimony will demonstrate the high costs of this abdication of responsibility.

Superfund sites are cleaned up in one of three ways: 1) the potentially responsible parties (PRPs) enter into a Consent Decree with EPA to execute and pay for the cleanup, or remedial action; 2) the EPA cleans up the site and recoups the cost from PRPs through legal action; or 3) the EPA pays for and cleans up the site when PRPs are bankrupt, unidentifiable, or cannot be forced to pay for the site, despite enforcement or legal actions EPA has taken. The Superfund Trust Fund pays for the cleanups in the third category, making these sites the most threatened when this program is underfunded.

Three dedicated taxes historically provided the majority of the Trust Fund's income, but expired in 1995. By the end of fiscal year 2003, the Fund's balance will have dwindled to $28 million. Every year after 1995, the Clinton Administration requested that Congress reauthorize Superfund taxes as part of its budget, and Congress declined. The Bush Administration has not included such a request in its fiscal year 2003 budget submission or its fiscal year 2002 submission. As time passes, taxpayers are paying a larger portion of the cleanup than corporations. From 1.991–1995, the portion of Superfund spending coming from general revenues averaged 17 percent; in fiscal years 20002002, it was 50 percent.

The Boxer-Chafee would reinstate the Superfund "polluter pays" taxes. However, the Administration does not support reinstating these taxes. The Administration prefers that all taxpayers have the burden of paying for cleanup. In a recent editorial, EPA Administrator Christine Todd Whitman asserts, "Financing the cleanup of these orphan sites, as they are called, comes from the Superfund trust fund and from Congress's general revenues." The reality is that general revenues do not belong to Congress. These revenues are taxpayers' money. Also, while it is true that some funds from general revenues have historically contributed to orphan site cleanup, taxpayers are paying a significantly larger portion of the cleanup than corporations than they have in the past.

In response to a letter I sent to Administrator Whitman, she has told me that we should not worry that the Superfund taxes have expired, and that polluters no longer have to pay their fair share of the cleanup. In a letter she sent to me on June 28, she noted "Congress has supplemented the Superfund appropriation by appropriating dollars from general revenues. I am confident that Congress and the Administration will continue to work together to provide adequate funding for the Superfund program." She also told me that they do not yet have a clear understanding "as to whether project schedules in future years will be impacted by competing funding needs." There seem to be some major management issues in this program that need to be examined.

Illinois

In Illinois there are 39 Superfund sites. Only 19 have reached the milestone of "construction completion," where all the final remedies for the sites are fully in place, with operation and maintenance remaining, and, in some cases, an ongoing pump and treat system to restore the aquifer underlying the site to drinking water quality.

Recently I visited one of these sites, the Outboard Marine Corporation (OMC) in Waukegan, Illinois. I saw firsthand the environmental damage of that site, and how it is impacting the local community, especially its efforts to restore the beach of Lake Michigan and proceed with important economic development.

Hazardous wastes at the OMC site include PCBs and Volatile Organic Compounds (VOCs). From approximately 1948 to 1971, OMC purchased an estimated 8 million gallons of hydraulic fluid which contained PCBs for die casting of outboard marine/recreational engines. PCBs were discharged through floor drains into a tributary of Lake Michigan and were ultimately discharged to Waukegan Harbor. As a result, 700,000 pounds of PCBs were estimated to be present on OMC property soils and 300,000 pounds of PCBs in the soils and sediments of Waukegan Harbor.

In the early 1900's a wood-treating plant operated on the site, followed by a manufactured gas plant in the 1920's and a coke oven gas plant in the 1940's. Soil and grounwater contaminants include coal tar, which contains many polynuclear aromatic hydrocarbons (PNAs), phenols and volatile organic compounds (VOCs), and ammonia (byproducts of the manufactured gas and coke operations). Other contaminants, primarily in groundwater, include arsenic, cyanide and heavy metals.

The plant was purchased and disassembled by OMC in approximately 1972. Between 1973 and 1989, OMC used the site for fire training. Other more current uses include waste oil storage, parking, stockpiling of sand from a dredging operation,and testing of snowmobiles. OMC declared bankruptcy in December 2000, complicating site cleanup actions.

PCBs have contaminated onsite soil and sediments in Lake Michigan. The Waukegan Harbor is identified as an Area of Concern by the Great Lakes Water Quality Agreement between the United States and Canada due to its persistent, harmful sediment problem. Although the PCB problem has begun to be dealt with, groundwater and soils are still contaminated with PNAs, ammonia, phenol and arsenic as a result of activities that occurred at the former Gas and Coke Plant.

The residents of Waukegan, Illinois, and I want to know: what is taking so long? Why isn't EPA cleaning up this site?

Unfortunately, cleanups in Illinois overall are slowing down. In my correspondence with the EPA, Administrator Whitman delivered a saddening piece of news.

Whereas the USEPA had earlier projected that the Byron Salvage Yard, a Superfund site in Illinois, would reach the construction complete phase in fiscal year 2002, they are now projecting that it will not be until fiscal year 2003. That means only two sites will have reached the construction complete phase this fiscal year in Illinois, and one of those sites was carried over from last year. In addition, only one site, A & F Materials Reclaiming, is projected to be deleted from the list this year-meaning it is the only site in Illinois that will be totally cleaned up.

The EPA's Inspector General also reveals that the Jennison Wright Corporationsite in Granite City, Illinois is not being cleaned up, even though it is not one of the "megasites" that EPA claims take longer to complete. Although the officials at the EPA requested $12.5 million for clean-up of the Jennison Wright Corporationsite in Granite City, Illinois, this year, only $570,000 has been allocated, meaning that the work has been put off. This Fund-lead Superfund site has groundwater, surface soil, and subsurface soil contamination, including arsenic, benzene, manganese, naphthalene, beryllium, chromium, and other contaminants. Surface waters are contaminated with creosote, pentachlorophenol, and other related compounds.

The Jennison-Wright Corporationsite is a 20-acre, bankrupt railroad. tie-treating facility in Granite City, which has a population of 33,000. The site is located in a low income, mixed industrial/residential neighborhood. Operations as a railroad tie treatment facility began prior to 1921 and continued until 1989. After operations ceased, wastes were left at the site in a railroad tank car, a buried railroad tank car, two above-ground storage tanks, and two lagoons. Neighboring residents may be affected through direct contact or ingestion of contaminants emanating from the site. Although the Illinois Environmental Protection Agency performed work on this site as early as 1992, it was not proposed to the list until October 1995, and it became final in June 1996. Despite being listed for 6 years and being known as a contaminated site for 10 years, it has not reached the construction complete phase. It seems that work is ready to proceed there, except for lack of funding. The appropriate clean-tip for this site should include soil excavation, offsite disposal, and a groundwater pump and treat system.

Is the Jennison Wright Corporationsite not being funded due to lack of money in the Superfund Trust Fund? If so, why are we encountering so much resistance to reviving this important fund? Senators Boxer and Chafee, and members of this subcommittee, I hope you are able to get to the bottom of some of the pressing questions raised by my testimony and that of my colleagues in the Senate. We need answers before any further damage to our communities and to the public health is done.

Senator BOXER. I just wanted to respond to my friend and just say quickly that it is true that polluters are paying. They have in the history of the program, and that's good. But remember, it takes a lot of work to figure out who the responsible parties are, and as the money diminishes in the fund we can't really do that work and that enforcement, and it is—the problem we are facing—this chart shows the percentage of Superfund cleanups that have been paid historically by the polluters, 82 percent; taxpayers, 18 percent. This Administration is changing that equation. If they stay on the course they are on now, which appears to be the case, 54 percent will now be picked up by the taxpayers, 46 percent by the responsible parties. I mean, this is an accurate depiction. It is a snapshot of now. That's where we are.

Senator INHOFE. Well, I would disagree with you. I don't think you could come up with an accurate figure in the circle under 2003 because I don't think you have the information to do that. But I would also repeat that not only has industry paid for the cleanup, but also the administration cost to oversee that, which is some of the cost that you are talking about.

Senator BOXER. Senator, we took this from the Administration's figures on the sites they are going to clean, the number of sites, and where they are getting the funding from. This was drawn from their documents. But we will certainly go back and review it with the Administration.

Senator INHOFE. Yes, and I will do the same.

Senator BOXER. Of course. And let me also state that I'm going to put in the record a specific list of regions that have expressed concern about cutbacks—Region Four, Region Six, Region Seven, Region Eight. I'm going to put that in.

Senator INHOFE. And you put at the top of that Tar Creek, for example, which is the worst in the United States of America. However, they were mislead to believe that funding was going to be cut in areas that I don't believe it is going to be cut.

Senator BOXER. OK. We will certainly know that by the end of the year, which is September 30th, just a month away. You know, when you say "a snapshot in time," of course that's true of everything in life. A report is a snapshot in time. This particular report was 3 months before the end of the year when the money has to be spent.

So, Senator, I have great respect for you, and we will see, once the end of the year comes, what cleanups took place and what didn't. Even the most optimistic figures of the Administration—could you put up the chart that shows the 80 sites cleaned up by the Clinton Administration—this is the Administration's own estimates of what they're going to clean up. The revised estimates are down to 40 sites, compared to the 87 we did under Bill Clinton, so we are really talking about a major cut. That's their plan that they admit to, without getting to the specifics of what sites, so you're looking at a cut in half. That's just the facts.

You could argue that maybe they're cleaning up the harder sites, and we can get into that debate.

Senator INHOFE. Yes.

Senator BOXER. But the raw numbers I believe speak for themselves.

Senator INHOFE. But I think it is important to add, Madam Chairman, that any work that is ongoing at the present time is not going to be cutoff, it's going to continue. The public was not led to believe that that's the case, so a lot of terror was inflicted to a lot of people unnecessarily.

Senator BOXER. Senator, we have people out there who have been told their sites have been stopped and stalled, so let's just—instead of debating this now, I'm going to call on Senator Carper, if I might, followed by Senator Jeffords.

Senator CARPER. I'd like you to continue debating.

Senator BOXER. Well, we'll debate this until November, I'm sure. Go ahead.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. I watched Senator Nelson and Senator Torricelli come into the hearing room. Looking at the four of us up here, I am reminded that, I think in 1986, when Superfund was modified and some major changes were made to it, I think we were all serving together in the House of Representatives. One of the reasons why we made those changes is because they needed to be changed. Along the way we've made some changes, not so much legislative but certainly administratively.

While there is plenty of work still to be done, I think it is probably worthwhile to say today, roughly two decades after the first legislation was adopted, a great deal has been accomplished. Roughly half the sites that were identified have been cleaned up, and we're well on the way to cleaning up a number of others.

Like some of you, I share a concern that we don't sort of sit back and rest on our laurels. There's obviously more that ought to be done. And I hope, as we hear from our colleagues and others who follow, that we will be able to figure out what we're doing well and where we need to make some further modifications.

I look forward to hearing from our first two lead-off witnesses especially. Thank you.

Senator BOXER. Thank you, Senator.

Senator Jeffords?

Senator JEFFORDS. I don't have an opening statement.

Senator BOXER. OK. Senator Crapo? Welcome.

OPENING STATEMENT OF HON. MICHAEL D. CRAPO, U.S. SENATOR FROM THE STATE OF IDAHO

Senator CRAPO. Thank you very much, Madam Chairman. I appreciate the fact that we're holding this hearing and I look forward to the testimony that will be brought before us today, both from members of the Senate, as well as Assistant Administrator Horinko and our IG. We appreciate your coming.

I just wanted to say I had to step out during some of the conversation that took place, but I, too, hope that one way or the other we will not lose sight on our focus of comprehensive reform of the Superfund statute. We have been working on this now for at least a decade or more. My political involvement here has been over the last decade almost on this issue, and I believe that there is a crying need for major reform that will help us to be much more effective in putting resources where the need is and making sure that we get the cleanup accomplished in ways that need to be done.

In that context, I look forward to working with all of my colleagues on the committee to try to find a path forward. We have been battling over one thing or another for too long, and hopefully we will be able to find a path that will give us a route out of the political and the partisan bickering that takes place and toward some type of a compromise plan that can maybe not give every one of us everything we want in the reform process, but at least help us find those areas of common ground where we can work forward.

I also look forward to the testimony today, and if I am able to be here through the entire hearing and have a chance to ask questions, I'd like to discuss with our friends from the EPA some of the issues we have going in north Idaho right now.

Again, I look forward to this opportunity. Thank you, Madam Chairman, for holding the hearing.

Senator BOXER. Thank you, Senator Crapo.

Let me just say I hate partisan bickering. I do welcome debate. You know, when we have different philosophies, I think that's good for us. And I don't view this as partisan, since we have Senator Chafee and I together on this and Senator Jeffords—Democrat, Republican, Independent. So I really don't see this committee as being

particularly partisan and I welcome the debate and I respect differences, for sure.

Senator CRAPO. Well, Madam Chairman, I agree with that. In fact, I think one of the things that makes America strong is the clash of ideas. You know, the fact that in America we can have differences of opinion and engage in solid, strong, open debate on that is healthy, and so I don't have a problem with that at all, Madam Chairman.

Senator BOXER. Wonderful. Senator Nelson, you came first. Do you mind, Senator Torricelli, if I call on your colleague first? Senator Nelson of Florida.

STATEMENT OF HON. BILL NELSON, A UNITED STATES SENATOR FROM THE STATE OF FLORIDA

Senator NELSON. Madam Chairman, you and I have discussed this issue at length, and I just wanted to come and offer some support to the inquiry of this committee about the importance of funding the Superfund trust fund. Senator Carper, it was 1980 when I was in the House that we voted on setting up the Superfund, and one of the deals struck when we passed it was, in order to get the oil companies and the chemical companies to come together so that we could—you know, we had to do some bargaining. One of the things was that the oil companies had a great deal of liability hanging over their heads, and so, in exchange for them being willing to contribute under the theory that the polluter pays, the oil companies' liability was removed, and that the trust fund, under the theory that the polluter, not the taxpayer, would pay, would fill up this trust fund so that, as we found these sites all over America, that there was a pot of money that we could go to when we couldn't hold the polluting party responsible because they had gone bankrupt or they had flown the coop or they were in jail, or whatever it was. Then there was a pot of money that we could go to.

Now, we've got five of these Superfund sites in Florida, and I just want to briefly sketch some of those for you so that you can see how this is affecting us. But this is the year 2002, not the year 1980, when we enacted the law. Of course, what has happened, with it being denied in the mid–1990's to continue with the funding into the fund—the fund is dwindling so that you're going to have just a few million dollars next year in the fund, and what is the result is what is happening, and we'll give you a case example in Florida.

Take, for example, these five sites. There are three of them in the Pensacola area. No less than the Chamber of Commerce has come to me and come to Senator Graham and to their Congressmen—so this is bipartisan in nature. They are scared to death that the future quality of life of their community, their ability as a Chamber of Commerce to attract business, their ability as a Chamber of Commerce to expand business that is already there, this cloud of potential pollution is hanging over Escambia County and the Pensacola area. There's no wonder, because the health statistics for Escambia County and the next county to it, Santa Rosa County, are very troubling, because the rate of cancer deaths per 100,000 people exceeds the rest of Florida's rate in every category, so is there any reason that the Chamber of Commerce is concerned.

By the way, Pensacola is the cradle of Naval aviation, and that, of course, is the main engine that drives that economy, but they have diversified over time, so they just can't have the kind of community they want unless these sites can be cleaned up.

Now, we're not only talking about the forms of cancer in Escambia and Santa Rosa counties have far exceeded the national rates, but the childhood cancer rates have been among the highest in the Nation over the past decade, and Escambia County—that's Pensacola—is in the top 40 in childhood cancer rates. So, needless to say, not only the environmental community but the business community has come and asked us to plead their case in front of you.

But I want to take another case. Let's go down to a different part of Florida and there is something known as "Solitron Microwave" in Port Salerno. If you pick up the "New York Times," this is today's article. What happened down there is you had this Port Salerno microwave, old plant, that started leaching all of this stuff into the ground. We have a high water table there. You get your water from shallow wells. The place became so contaminated that the water supply, they couldn't do it. So EPA promised, "We're going to send you to 150 homes. We're going to send you public water through a public water system," and that has now been delayed because there's no money in the kitty.

So what they did in Florida and what the substance of the "New York Times" article today is they're trying to figure a way around it. The Florida Department of Environmental Protection had some extra money, so they went and borrowed that. Now, they're not quite sure this is legal, what they did, and that's another question, but there are 150 homes that have got to have a clean water supply. Their theory is they're going to give them a credit on whatever the future EPA projects would be for the State of Florida. That's what they're trying to do. It is band-aiding and chewing gum, patching together something that ought to be a reservoir of money.

Then I'll give you another one. Trans-circuit is in a community down in Palm Beach County called Riviera Beach, and it is a middle class, minority community that has been fighting contaminated drinking water problems for 20 years. The money is not there.

Last year EPA signed a record decision with Trans-circuit, a former electronics facility site, which noted the need to continue to operate a certain kind of machinery to decontaminate the water until the EPA cleanup could be performed, and that region requested a pitiful, paltry $200,000 for this machinery, but that money has not come through yet. It's just another example.

And I want to tell you about one that I went to personally. It's 12 miles west of Orlando. It's right near a big lake called Apopka. Apopka used to have 4,000 alligators. Today, Apopka has 400 alligators, and some of them have mutated bodies. Now, there are a lot of sources of pollution into Lake Apopka, but let me tell you one of the sources. This old Tower Chemical plant where, honest indian, they brewed DDT—they boiled DDT to get a derivative, and all of this stuff spilled over into a natural crevice, a kind of little pond area. The problem was that natural crevice was a sink hole. It went right down to the Floridian aquifer, which is this big sponge of water all over central Florida that supplies central Flor-

ida with its water supply. Some of it even spilled over the edge of this sink hole into a creek that flowed directly into Lake Apopka.

I went out there, and this thing has been abandoned now since the late 1980's or early 1990's. There are houses all around it, and what they want to do is to get special water filters on the wells for these houses. I did everything. I want to commend the EPA project manager. I mean, he understands the importance of this. He's out of Atlanta assigned to this particular project. It's just gut-wrenching to him that all these folks around him don't have these water filters.

And so, I think because we kicked up such a fuss, now the residents are going to finally receive the water filters that they need to safeguard for the time being until that whole site can ultimately be cleaned up.

Now, my question to you—and I conclude with this—is: why do these communities need to continue to suffer? Why have some of the 33 communities listed in the Inspector General's report as lacking money now received funding and others have not?

We need to take these communities that are at great risk and be sure that we get the funding to them, and there's no better way to do that than to go back to the principle of the polluter pays and replenish that trust fund.

Thank you, Madam Chairman.

Senator BOXER. Thank you so much, Senator. You have brought home to us why we're here, what we're supposed to be doing, and I can't tell you how helpful you have been to me as we fight this issue. Thank you.

Senator NELSON. May I be excused?

Senator BOXER. You may be excused.

Senator NELSON. I'm going to Iraq.

Senator BOXER. You are not.

Senator NELSON. It's in the Foreign Relations Committee.

Senator BOXER. Good. I'm supposed to be there, too, but I'll stay here for the moment.

Senator Torricelli, I am so glad you are here. No one, I just want to say for the record, has talked to me more about this Superfund program and the need to reinvigorate it with the Superfund fee and to move forward, and no one has more sites in his State than Senator Torricelli. Senator Corzine the same way has been just—the two of them have been constantly talking to me about it.

Senator TORRICELLI. Thank you.

Senator BOXER. We have the second number of sites, so we are giving you that title for the moment. But I want to make sure that we all reduce—and there is, on cue, your partner, Senator Corzine. Senator Torricelli, I hope you are just going to lay it out here for us like you laid out to me on the floor of the Senate very often when you grabbed my ear. Please let us know why it is important to get this program up and running.

STATEMENT OF HON. ROBERT TORRICELLI, A UNITED STATES SENATOR FROM THE STATE OF NEW JERSEY

Senator TORRICELLI. Thank you, Madam Chairwoman and members of the committee. Thank you for this opportunity.

It is actually difficult to understand why we have to be here. Senator Carper noted that this is a conversation that was held almost 20 years ago in the U.S. Congress. Democrats and Republicans came together in a Republican Administration and made a promise to the American people. There were industrial sites around America where ownership was still clear, and there the responsibility was with those companies. They would be forced to pay. Where there were orphan sites, we could not find those responsible, in fairness to the American people we would not do the double damage of forcing them to live with these polluted sites and force them to use their personal income taxes to pay for them, and so a fee was placed on the petrochemical industry, those that had the source materials that in some way would bear some responsibility, and the sites would be cleaned.

John Corzine and I probably represent as much of that chemical industry and petrochemical industry as anybody in the Nation. I've never had a single company complain to me that they are paying this fee, not one. This isn't coming from the corporations. This isn't the practical part of doing business. This is an ideology.

Members of the committee, you're right, this shouldn't be a partisan fight. It never was a partisan fight. Ronald Reagan supported this fee. Former President Bush supported this fee. Republicans in the Congress supported this fee. The country hasn't changed. The philosophy of some of those that were part of this arrangement has changed.

I thought Senator Nelson made a good point that I've heard Senator Corzine make many times—this is also part of a comprehensive settlement. We would list liabilities from those in the industry that faced potentially billions of dollars worth of exposure in exchange for them paying this fee. Now they don't have the liability, but now they're not paying the fee.

This hearing never should have been necessary. This should have been reauthorized years ago without a beat, but here we are back. What can you say of the Superfund? Here's my analysis of the Superfund: it's no longer super and it isn't much of a fund. If this is only being paid by the American taxpayers, it isn't super; and a fund that has dwindled from over $3 billion to $28 million isn't a fund. The more honest thing would be to cancel the program and just do this through the EPA and the American taxpayers' money, because that's what we're doing. You're maintaining a false facade telling the American people—giving them the impression that someone who is responsible is paying to clean up these sites when, in fact, it is being paid out of money that should be going to educate their children, pay down the national debt, reduce their taxes, pay for prescription drugs. Instead, we're paying the obligations of corporations that have escaped their responsibilities.

Well, as the chairlady noted, Senator Corzine and I have the distinction of representing a State with 111 of these sites in the most densely populated region of the Nation. There is no one who could sit here today and tell you that there's a connection between the fact that we have the highest cancer rates and the most Superfund sites. I can't give you the science, but, like Senator Nelson, is there anyone here who really doubts it? Do you really think there's not some connection?

Chemical sites, dangerous substances sitting atop well water, leaching into the ground, getting into dust particles, blown into the air, ingested by people. What are we thinking? Whatever could somebody have in mind who is opposed to restoring this fund and getting these sites cleaned? It's not as if we were participating in a failure. We have stopped a success. It's almost as if we said, "It's going too well. We're doing too much. Stop us before we solve the problem."

The Clinton Administration, as the chairlady noted, got to the point we were cleaning 80 sites. That will reduce this year by more than half. Four of those are in New Jersey of enormous importance to the people of my State: Chemical Insecticide in Edison of New Jersey, Burnt Fly Bog in Marlboro, Montgomery Township Housing Development in Rocky Hill, and Somerset County. Another five have had their funding severely reduced.

The most important of these to me was the Chemical Insecticide site in Edison. Cleanup was to begin this November. I'm not going to prolong my testimony before the committee, but I want you to understand what this means. This is among the most densely populated communities in among the most densely populated county in the most densely populated State in the Nation. Here's what Chemical Insecticide means to people who live there. Agent orange was manufactured there during the Vietnam War. It is so contaminated that rabbits living on the site have turned green through a mutation called "dinoset" from a pesticide found there in large quantities. For years children played there. The truth was never told to the community about agent orange or the impacts. A generation of children have now grown up in America, without doubt that some of these elements are in their bodies.

It will cost $40 million dollars to clean the site. Wildlife is still throughout the region. As I noted, cleanup was to begin in November of this year. The EPA has now announced there's not enough money to begin, perhaps for several years to come.

Among all the brave colleagues we have who will stand there in defense of the industry who would pay this fee, is there anyone so brave that you will come to Edison, New Jersey, and speak to the mothers and the fathers whose children played on this site? Anybody so convinced of your position that you'll explain to these people that the Federal Government does not have the resources or the will to continue the Superfund, to protect their children? I doubt it. That's what you should do. Isn't an explanation owed?

As I told you that story, I can tell you another ten, another twenty. Behind all of them is a family that wonders why their infant child had a birth defect, why somebody is ill, why they lost somebody in the family. I can't give you the science, but I can give you the reasoning.

This fee will be authorized. We will fight this battle as long as it takes. I have already filed amendments in the Legislation and Finance Committee. I will return until it is done. It is not right and it is not fair that we don't restore this.

Yes, Madam Chairlady, it should be bipartisan. As I noted, it always was. Without Ronald Reagan's signature we wouldn't have had a Superfund. A lot of this engineering for sites that Bill Clin-

ton cleaned up, the engineering was done under former President Bush. It always was. But for a few brave souls, it isn't now.

If I could, I'd like to submit my full testimony for the record and spare you the rest of my comments.

Senator BOXER. Thank you so much, Senator. You've added enormously to this debate.

Senator Corzine?

Senator CORZINE. Do you think I want to follow Senator Torricelli with my remarks?

[Laughter.]

OPENING STATEMENT OF HON. JON S. CORZINE, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator CORZINE. You know, the concept that we are turning our back on the 77,000 people that live and work around this chemical insecticide plant that's got a tarp that lays over the top of this that's punctured with holes is our response to clean up of a Superfund site, and realizing that there are people where the concentration of cancer contraction is higher than in normal population rates is just unfathomable to anyone. You don't have to be a Democrat. You don't have to be a Republican. You just have to be a human being to understand that something ought to be done about these kinds of risks to our population.

I can't say it as well as Senator Torricelli has, but I'd like to see the people come to Edison and say that this is responsible behavior on the part of our Nation, given the commitment we have to try to protect the health and safety of our population.

This is terrorism, in itself, and I believe that we made a bargain in 1980 about how we were going to put together these situations. The idea that we waive liability and that stays in place and we pull away the revenue-raising element to fund the Superfund site is unconscionable, in my view. The idea that we are not taking those steps to make sure that the Superfund is exactly what it is supposed to be—a bipartisan-created vehicle to protect the health and safety of our families and our communities—is, without question, a meritable objective of what I think we should be doing here, and I hope we can go visit every one of those four sites in New Jersey that Senator Torricelli talked about to demonstrate that the need is real, that the risk is real, and that we need to have the resources to deal with this and ask others to come and do it.

I have a statement that I'd put in the record if the chairlady would allow.

Senator BOXER. Without objection.

[The prepared statement of Senator Corzine follows:]

STATEMENT OF HON. JON S. CORZINE, U.S. SENATOR FROM THE STATE OF NEW JERSEY

INTRODUCTION

Thank you, Madame Chairman. I want to thank you for your commitment and leadership on Superfund. I also want to welcome our colleagues to the committee, particularly Senator Torricelli. Senator Torricelli has been fighting to clean up New Jersey's Superfund sites his whole career in Congress. It's been an honor for me to join him in that effort.

Madame Chairman, it's an unfortunate fact that you're never far from a Superfund site in New Jersey. We have more sites than any other State, and I have visited many of these sites already in my first term.

When you talk to the people who live around these sites, you hear about cancer clusters. You hear about contaminated streams, and rabbits that have turned green from exposure to chemicals. And you hear the frustration of people who can't get a straight answer from EPA about when a site is going to be cleaned up.

Madame Chairman, I share my constituents' frustration, because I can't seem to get a straight answer out of EPA either. It's been almost 4 months since our last hearing on this issue. At that time, I asked EPA about whether cleanup of the Chemical Insecticide Corporationsite in Edison, New Jersey would be funded this year. The answer I got was "we don't know and we can't tell you."

THE CHEMICAL INSECTICIDE CORPORATION SITE

Madame Chairman, you have alluded to the Chemical Insecticide Corporationsite in your testimony already, but I think it's worth talking about in a bit more detail. From 1954 to 1972, pesticides, herbicides, and fungicides, including Agent Orange, were manufactured there. After the owner went bankrupt, the residents of Edison were left with a vacant lot with heavily polluted soil and groundwater. Contaminants at the site include arsenic, heavy metals, pesticides, and dioxins. Many of these are known carcinogens. The Agency for Toxic Substance and Disease Registry examined the site and declared it a "Public Health Hazard."

This site was added to the Superfund list in 1990—12years ago. But not much happened at the site until local residents got actively involved. In April, one of these people, Bob Spiegel, testified before the Environment and Public Works committee about the site. I won't read the full testimony, but I want to quote his description of his first encounter with the site. Mr. Spiegel said, quote:

"In the spring of 1991, a friend asked if I wanted to see "green" rabbits. Armed with a video camera, we took a short ride to the Chemical Insecticide Superfund Site. The first thing that struck me was the smell—the smell of death and decay. Nothing grew on the property except a strange florescent green moss. Small animal carcasses littered the area, and there were, indeed, "green" rabbits living there. The rabbits had developed an abnormal greenish yellow undercoat that I would later discover was the result of Dinoseb, a pesticide disposed of in large quantities throughout the site.

We followed a trail of yellow liquid draining from the back of the site downstream past a neighboring industrial bakery and into the Edison Glen and Edison Woods residential developments. There we video taped a child playing in the poisoned stream who told us

it was a good place to hang out and look for frogs and turtles. I subsequently found out that the vacant CIC lot was a playground for local children, the chemical lagoons were their wading pools, and adults routinely scavenged materials from the site."

Madame Chairman, this site has taken a toll on the community. Several people who live near the site or worked near the site have died of cancer that they believed was linked to the pollution. One of the families affected was that of a local police officer, who developed a rare blood disease, and whose wife developed reproductive problems. Property values have been hit hard as well.

With the prodding of local residents like Mr. Spiegel, some progress has been made at the site through the Superfund program. EPA has cleaned up some areas in nearby residential developments. In addition, EPA has put a liner on top of the site to keep contaminants from continuing to wash off of the site. And they have decided what they need to do to clean up the site. In January of this year, the end appeared to be in sight, when an EPA employee told residents at a public meeting that cleanup would begin in November. But EPA has since said that they don't think cleanup may not go forward due to lack of funding.

EPA HAS NOT BEEN FORTHCOMING WITH INFORMATION

As I mentioned earlier, I asked EPA at our last hearing about whether the CIC site would be cleaned up. EPA told me that they didn't know and couldn't say. Several weeks later, the EPA Inspector General released a report showing that cleanup at 33 sites in 19 States are not going forward because of funding shortfalls. Five New Jersey sites were on this list, including the CIC site.

According to the IG report, the EPA Region 2 office requested $28.5 million for this fiscal year to begin final cleanup at CIC, but no funds have yet been provided. And according to information on EPA's website today, EPA has still not committed any fiscal year 1902 funds to cleaning up this site.

Madame Chairman, this is unacceptable. We have EPA information to suggest that among Superfund sites where cleanup is not going forward, the CIC site is one of the most hazardous to human health. We also know from people who live near the site that the temporary remedy—a tarp placed over the site—is failing, and that toxins are once again washing off of the site when it rains. How can EPA possibly continue to justify not cleaning up this site, Madame Chairman?

Madame Chairman, I expect answers today about that site, and about how the funding process works at EPA. Because the story of the Chemical Insecticide site is the story of just one Superfund site. I have focused on it because it is one of the most dangerous sites in the country, and it is not being dealt with. But similar stories could be told about many other sites in New Jersey and in States across the country. It is our duty to ensure that these sites get cleaned up, and we need much better cooperation from EPA so that we can understand what is going on in the program.

We also need to address the macro issue of funding. We know from the Inspector General report that there is a funding shortfall of more than $200 million in fiscal year 1902 alone. We also know that the Superfund is nearly bankrupt.

When the Superfund tax expired in 1995, the Superfund had a balance of $3.6 billion dollars. Since that time, the balance of the fund has steadily dropped. According to the president's FY'03 budget, the fund will have only $28 million left at the end of the next fiscal year. That's not even enough to fully cleanup the one site that I have been talking about in New Jersey.

So when the Superfund runs dry at the end of the next fiscal year, the entire Superfund budget—which has been $1.3 billion per year in recent years—will be paid out of general revenues. As we all know, we're in deficits now, so that money will be coming out of the Social Security Trust Fund.

That's just not fair. It's not fair to ask the people of Edison, NJ to pay to clean up the Chemical Insecticide Corporationsite. And it 's not fair anywhere else in this country. The polluters ought to pay. That's why we need to reinstate the tax. And we need better cooperation and more transparency out of EPA.

Thank you, Madame Chairman.

Senator BOXER. Before Senator Torricelli leaves, let me say in public now I make a commitment to both of you: if we do not resolve these issues by the end of the fiscal year, come October I will be at Edison and wherever else you want me to go to demonstrate this subcommittee chair's interest in this. And if Senator Jeffords is available, I have a hunch he might be interested in coming, as well, but I speak for myself as chair of this subcommittee.

Senator JEFFORDS. I certainly would. I'd like to just make a comment.

Senator BOXER. Please do.

Senator JEFFORDS. It seems strange to me that the Administration will be willing to spend billions of dollars to reorganize in hopes of stopping an act of terrorism, but won't spend the millions necessary for the things that are already done, which are incredibly dangerous to our society, whether it is air pollution or whether it's the cleanup of these sites. This is just wrong that it's not being taken care of.

Senator BOXER. Senator, thank you. Thank you very much.

I think what we're going to do is ask our next witnesses to come up—that's EPA and the Inspector General. Should Senators Kerry and Schumer show up, we're going to accommodate them, but we're going to move to the witnesses, and when there is a vote we're going to break and come back.

I'm going to call on Ms. Tinsley, who is the Inspector General for the U.S. Environmental Protection Agency. Welcome. We're going to hope you keep your remarks to 5 minutes, if you can. Please proceed.

STATEMENT OF NIKKI TINSLEY, INSPECTOR GENERAL, OFFICE OF THE INSPECTOR GENERAL, U.S. ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, D.C.

Ms. TINSLEY. Chairman Boxer, members of the subcommittee, I'm pleased to be here to speak about the Office of Inspector General report on funding the cleanup non-Federal National Priority List Superfund sites and about how my office went about doing our work.

On April 17th of this year we received a letter from Congressmen John Dingell and Frank Pallone, Jr., of the House Committee on Energy and Commerce requesting our assistance in identifying the funding needs of each non-Federal Superfund NPL site. In the letter, the Congressmen expressed concerns that EPA was falling short of its cleanup goals in fiscal year 2002 and, accordingly, they asked us for two things: first, to identify and summarize the funding needed for each non-Federal Superfund NPL site; and, second, to provide the remedial action prioritization list for each region and any similar nationwide document. They wanted us to provide the information fairly quickly, so we could not do the type of detailed analysis that we would normally do if we were doing an audit or an evaluation.

As I describe the information that we provided the Congressmen, I'd like for you to keep in mind that these figures were accurate as of the date we completed our field work. If the same information were requested today, some of the figures could be different because EPA headquarters provides funds to the regions on a quarterly basis. And, in addition, EPA sometimes de-obligates funds from some sites and moves them to other sites for cleanup activities. So, in essence, as we heard earlier, the report represents a snapshot in time.

To gather the site-specific funding information for the report, we obtained information on remedial actions and long-term response actions from officials in EPA headquarters and regions. We asked questions about the processes for requesting and allocating funds, about the officials' perspectives and their concerns regarding the processes, and about the impact of not receiving funds. I've attached our complete report to the testimony, so I'm not going to go into a great deal of detail on the details and specifics, but, in summary, we found that for fiscal year 2002 EPA regions had requested $450 million for remedial actions, and headquarters had budgeted $224 million.

Enclosure three to the letter shows that the regions had received just over $159 million at the time we did our field work.

As the report indicates, some regional officials expressed concerns about funding. For example, a Region Four official told us about two partially funded sites that would require an additional $6 million this fiscal year to maintain cleanup progress. That official, as well as officials in Regions Six and Eight, spoke of sites ready to start remedial activities that lacked funding. A Region Seven official told us that the remediation phase for several megasites may be lengthened because sufficient funds are not available. For example, the region may need to stretch a 5-year, $100 million cleanup to 10 years, given the current funding levels. Above all the operational concerns, however, is the concern that, when sufficient

funds are not provided, the risk presented by a site may not be fully addressed.

With regard to the remedial action prioritization list, the regions did not have such lists. Instead, regions provide a listing of sites to EPA headquarters and the EPA National Risk-Based Priority Panel develops a national prioritized list. EPA considers this list to be enforcement confidential and maintains that it should be withheld under Justice Department guidance. In accordance and in compliance with that guidance, we did not release the——

Senator BOXER. Would you repeat that one more time, the EPA has a priority list? Just repeat that.

Ms. TINSLEY. The EPA considers the list to be enforcement confidential.

Senator BOXER. OK.

Ms. TINSLEY. And under Justice Department guidance that has to do with FOIA—and actually I've got this. This is all laid out in the report, and I can be more specific——

Senator BOXER. But there is a list at the headquarters?

Ms. TINSLEY. There is a list.

Senator BOXER. Of priorities?

Ms. TINSLEY. Yes.

Senator BOXER. OK. Because I was told there wasn't such a list. But that's OK. I'll wait to ask Ms. Horinko later. Go ahead.

Ms. TINSLEY. And actually that concludes my remarks.

Senator BOXER. Thank you.

Ms. Horinko?

STATEMENT OF MARIANNE LAMONT HORINKO, ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE, U.S. ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, D.C.

Ms. HORINKO. Good morning, Madam Chairman and members of the subcommittee. I am Marianne Horinko, EPA's Assistant Administrator for the Office of Solid Waste and Emergency Response, and I am pleased to appear once again before the subcommittee to discuss the Superfund program and the important challenges we face as the program enters its third decade. It is also a pleasure to appear here today with Nikki Tinsley, our Inspector General at the EPA.

I appreciate this opportunity to set the record straight and clear up some of the myths that have been reported in the media recently about the Superfund program. I'm afraid the recent headlines have shed more heat than light on the program and the hard work that goes on day in and day out in our ten EPA regions and in the States cleaning up toxic waste sites to protect public health and the environment.

Here are the facts: the overall cleanup funding has increased in the President's fiscal year 2003 budget—$1.3 billion for Superfund over the last several years, and $200 million for brownfields. That is a doubling of the brownfields budget. Thirty-three Superfund sites did not get their funding cut. That myth is fast becoming an urban legend. It is time to put that myth to rest. All Superfund sites with ongoing cleanup work have been funded, and we are hard at work funding the new construction starts.

The response released by the Inspector General did not contain any list of sites that have purportedly had their funding cut. The IG response, indeed, was a snapshot in time that reflected EPA's funding decisions as of May of this year; therefore, it did not capture the Superfund site funding decisions that have historically occurred in the third and fourth quarter. Our process for funding Superfund sites has been in place for many years, and I'm pleased to say the process has produced more funding decisions. EPA has funded 11 of the 33 sites that appeared in the press for construction work.

Further, as expected, some sites identified early in the year for potential candidates for construction funding do not actually need construction funding this year. Every year site-specific conditions change. Engineering designs may take more time, potentially responsible parties may be identified, or other new issues developed that may prevent the site from reaching the construction stage. EPA will make further funding decisions as moneys become available from our annual effort to de-obligate moneys from expired Superfund contracts, inter-agency agreements, and grants. We expect those efforts to yield an additional $40 million in cleanup funding.

In addition, I want to thank the Senate for providing EPA the $12.5 million in reimbursement for our Capitol Hill cleanup activities. Upon receipt from the Capitol Police Board we will be able to restore those funds to the Superfund program and put the diverted funding back to work in communities.

It is certainly fair to say the program is facing new challenges; however, it is not fair to say that the EPA and the dedicated men and women in the program are walking away from Superfund sites. We are vigorously managing a mature program that has more cleanup construction underway now than ever before. We are faced with larger, more costly, and more complex sites to complete than the sites that have been completed in the past. One of the charts that I have provided the committee shows how the number of very large, complex sites that exceed $50 million in cleanup costs and Federal facility sites have become a much larger percentage of sites that have not yet had cleanup construction completed. Managing these large, complex sites, itself, presents new challenges, but I can assure you that protecting public health and the environment remains a top priority for EPA and the Superfund program.

On September 1, EPA can release the funds held back by Congress in our appropriations bill. These funds, together with the money we de-obligate, will allow us to fund more sites in this fiscal year. We will be pleased to notify the members of this committee, other Members of Congress, and State and local officials when these funds are released, and I am pleased that this recent Senate, VA, HUD, and Independent Agencies appropriations bill has removed the September 1 hold-back provision, which will give the Agency greater flexibility. We are very thankful for that.

The Superfund program depends on appropriations to fund the 30 percent of site cleanups that aren't performed by responsible parties. We work as hard as we can to identify these responsible parties and hold them accountable for cleaning up sites. EPA set a near record in fiscal year 2001 in securing $1.7 billion in Super-

fund cleanup commitments and cost recovery. In particular, we appreciate your support for the nomination of J.P. Suarez as our Assistant Administrator for Enforcement. It is important to have him confirmed and on the job to continue that commitment to polluter pays.

I am afraid that there is a mistaken impression that by reinstating the lapsed Superfund taxes that EPA would have all the resources it needs to clean up the 30 percent of sites that aren't cleaned up by private parties. Like many of the challenges we face, this is not a simple issue. Superfund taxes building a balance in the Superfund trust fund do not necessarily provide EPA directly with funding. One of the charts I have provided the committee shows that Superfund taxes and a growing trust fund balance have not necessarily provided EPA with any increased appropriations. Historically, appropriations have stayed essentially level, notwithstanding the balance in the Superfund trust fund.

EPA and the program have responded to challenges before, and I am confident we will do so again. A program disparaged as a failure in the 1980's turned a corner in the 1990's, thanks to bipartisan reforms launched by President Bush and continued by President Clinton. I'm looking forward to working with Congress in that same bipartisan spirit, and I'm pleased to hear that we are not going to turn back the clock and start bickering about this program's future. The American people care about this program and they deserve no less.

Senator BOXER. Thank you. Thank you very much, Ms. Horinko.

Believe me, there will be no bickering. There will be major confrontation and debate, major, big time, until this Administration, in my view, helps us get that fund. Now, one of the points I want to make—and we're going to have to break now and I have to ask your indulgence, both of you, because we have four back-to-back votes, so we're going to have to take a sizable break, and each vote is approximately 15 minutes, so you can see it is going to be a sizable break, so if you want to go have coffee or whatever, we will have Patina get in touch with you by phone so you can come back. There's no point in just sitting here, because it is going to be a long wait.

There are a couple of things I want you to think about during the break so I don't surprise you. You said these sites are complex and they're expensive and they're hard. The story in the "New York Times" talks about a $1.2 million problem that you couldn't find. It's unreal. A $1.2 million problem—you couldn't find—$1.4 million problem, you couldn't find the money.

And the other thing I want to ask you is: if you think this is interesting that when the fund was filled we remained flat, what's going to happen when the fund is cold, empty? Do you expect that the taxpayer's going to pick up 100 percent of the funding? That's exactly where we're headed. So I want you to think about those things while we break to vote. We will come back and have more debate. Thank you.

We stand in recess.

[Break.]

Senator BOXER. The subcommittee will come to order.

There continues to be yet another vote in just a few minutes. So you need to know that I won't torture you with a lot of questions, because I can't. I would if I could, but I can't.

[Laughter.]

Senator BOXER. So I'm going to nonetheless ask a couple of questions.

Ms. Horinko, one of the questions I have is that one of the hearings, the last time, you said there was no list anywhere about sites. And we were told by Ms. Hinkley very clearly in her testimony that in fact, there isn't a list in the regions, but there is a list in Washington. Could you explain why you told us there was no list?

Ms. HORENKO. Madam Chairwoman, I'd be happy to. The list that I believe you were referring to at the last hearing, that you were asking for, was a list of the sites that won't receive funding in this fiscal year. And I tried to explain that we don't know until the end of the fiscal year is over which sites will or will not receive funding.

Senator BOXER. Well, if I had a list of what was going to receive funding, I could make sense out of what was off the list, is that correct?

Ms. HORENKO. Well, and we did just last week provide to your office the list that Nikki spoke to, which is the list of sites prioritized——

Senator BOXER. Well, I'd like to say for the record that I didn't think that your response was candid. If somebody asked me, do you have a list of sites that are not going to be cleaned, and I had a list of sites that were going to be cleaned, I'd say, no, I don't have a list that aren't going to be cleaned, but I sure have a list of what's going to be cleaned, would you like it? So I find it very obstructionist, and I'm concerned about it, I don't think it's right. I just don't think it's right. That's one thing.

And, Ms. Tinsley, I want to thank you for the work that you did, which is to take a snapshot of what occurred at the moment you took it. That's all we want to know. That's all we were trying to find out, and you gave us that snapshot. It was a very disturbing snapshot, and maybe that's why we didn't get it other places. But I want to just make a formal request to you today that we take another snapshot in September. Do you need me to do that in writing with the chairman, with Senator Jeffords? I want a snapshot. First of all, Ms. Horinko said you didn't have the information from the third and fourth quarter. I thought you had information from the third quarter in your report; is that correct?

Ms. TINSLEY. No. I don't think we had all the third quarter information.

Senator BOXER. So you had the first and second quarters. So what date would you need to do it so that we'd have a report from—a snapshot, if you will, of the program, because the year ends September 30th. I don't know what they're keeping so secret. We're going to have to find out what's going on. So if I asked you to do a snapshot on September the 15th, would you be able to do that for us?

Ms. TINSLEY. We can do a snapshot whenever you would like for us to do a snapshot.

Senator BOXER. Good.

Ms. TINSLEY. If you just want something as of that date, we're happy to do that.

Senator BOXER. Right. Well, that's what a snapshot would be, because I loved your thinking on this. It was very clear. "This is what the region asked for, this is what the region got, and this is what is unfunded from the region." Pretty straightforward, pretty simple. It's what we asked for, which we never got from them, so we got it from you. That's your job, and I appreciate that. So I will talk to Senators Jeffords, Corzine, Clinton, Chafee, and others who are concerned, and we will send you a letter, a formal letter, asking for you to do an update on your snapshot that was dated June, and we will decide what date we think is good, and we may talk to you about it, Ms. Tinsley, to get your advice.

Superfund makes a rare deal with Florida. It's not the first time Florida has gotten a rare deal. They got a good deal on off-shore oil drilling leases that the President is going to buy. But let me just ask you this question: you couldn't find $1.2 million to clean up this water supply; is that right?

Ms. HORINKO. Madam Chairman, first let me say it was not my intent to be obstructionist, and we certainly continue to be committed to work with your staff and be responsive.

Senator BOXER. I know. It may not have been your intent, but you were. If you had a list of what was going to be cleaned up, then all you had to do is say, "I have that list. Let me give it to you, and by process of elimination you can see what isn't." So to say it is not your intent, it doesn't wash. That doesn't make it better, Ms. Horinko, but I appreciate it. Go ahead.

Ms. HORINKO. In the interest of time—I know you want to get to this issue—at the Solitron Microwave site the process really focuses on the risk, and so when new sites come in to us and request new projects for funding, those projects are reviewed once a year by our National Risk-Based Prioritization Panel, which is our regional senior career managers that meet and review. They rank the risks at the site, the actual or potential human health risks, the environmental risks at the site, and then other construction factors, other special factors such as environmental justice, and rank all the new starts once a year.

This particular request for the water lines did rank relatively low because the wells in question are not actually contaminated. The State wanted to go ahead and put the water lines in as a precaution. We are funding the study. We did fund the remedial design for those water lines and we are funding more than half a million dollars for the remedial design for the groundwater cleanup this year, and we are very hopeful to be able to fund that actual cleanup beginning in October of 2003, so I really commend EPA Region Four for working with the State to find an innovative solution here. States are required, as you know, by the statute to pay a 10 percent cost share, and this will really allow the State to provide in-kind services to meet their statutory obligation.

Senator BOXER. You said it wasn't in the water? There was no problem with the water?

Ms. HORINKO. In these particular wells, my understanding from my Region Four office is that these wells did not have contamination that exceeded drinking water standards.

Senator BOXER. All right. Let me read to you what the story is in the "Times." Maybe you don't agree with the story. You didn't like their last one. "The Florida site is on about 20 acres owned by Solitron Devices, a Florida electronics firm. It is polluted by toxic industrial solvents which have bled from the soil into the local aquifer into the local aquifer—" meaning water—"with traces turning up in private wells and the public water supply." You disagree with that?

Ms. HORINKO. There are wells where traces did turn up, and those sites were connected previously to the public water supply.

Senator BOXER. How about in the public water supply? Do you agree that they turned up in the public water supply?

Ms. HORINKO. In some wells—I don't know if it was the public water supply, but I can get the facts and make sure.

Senator BOXER. Wait a minute. You just said it didn't turn up in the water supply.

Ms. HORINKO. I don't know for a fact if it turned up in the public water supply.

Senator BOXER. OK.

Ms. HORINKO. But I can look into it.

Senator BOXER. Well, why don't you look at it and why don't you give me an answer as fast as you can.

Ms. HORINKO. We'll make sure we do.

Senator BOXER. When you send me the other papers next week.

It doesn't give a lot of comfort to this chair to be given answers and then, confronted with the facts, given other answers. Can't you just tell me the truth right up front? You couldn't find the money, period. The stuff was in the water. Now you're saying it wasn't a threat? Well, I assure you the State of Florida didn't look at it this way.

I just think there are so many problems here. It is unbelievable that a program of this size couldn't find $1.2 million, and if I were the people down there I'd have a pretty negative attitude toward this President's EPA. I'd feel good about my State EPA, though.

I wanted to correct something else in the record. When you showed your chart there—could you hold up that chart again for me on the funding of the Superfund? Let me make it clear. President Clinton in 1998 asked for $2,094,000,000. Can you point to 1998, sir, if you would? In 1998 President Clinton asked for $2 billion plus. The Republican Congress gave him a flat line, so let's be clear on what we're talking about here.

The bottom line is this is a major disagreement between this committee, a majority of this committee, and the EPA. I am hoping that we get all the information in the next 3 days or 4 days that we want. I told you before that you had one paper that was marked—a blank piece of paper came to us "privileged." What's secret about that document? Do you put that on everything? This is the public's program here, the Superfund program. This is the United States of America. This is a country of, by, and for the people. It's not of, by, and for the privileged. And we're going to just work on this until we get all the facts. I'm going to write to Ms. Tinsley. I'm going to ask her in a very straightforward way to do what she's done.

I was also interested, because it appears that the Inspector General got more information than we did, and Senator Jeffords is very upset about that. By the way, I'm going to put Senator Jeffords' full statement in the record, Senator John Kerry's full statement in the record, also, and Senator Kennedy's full statement in the record. These Senators are very concerned.

[The prepared statements of Senator Jeffords, Senator Kerry, and Senator Kennedy follow:]

STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

I commend Senator Boxer for conducting today's hearing on the Superfund program. Oversight of the Superfund program is a critical task for this subcommittee.

Senator Boxer's efforts have the full support of this committee. In fact, bipartisan concern over the pace of Superfund site cleanup was highlighted in a March 8 letter to EPA from Senators Smith, Chafee, Boxer and myself. Specifically, we wrote seeking information on the backlog of Superfund sites, which are ready to proceed but stalled by a lack of funding.

Unfortunately, EPA's response to date leaves many questions unanswered. What is the reason behind EPA's slowdown of the Superfund cleanup program? Is the Administration 's refusal to seek reauthorization of the Superfund taxes contributing to this slowdown? Is EPA headquarters providing the regions with the necessary guidance and support to ensure the Superfund program's success?

Here is what we do know:

First, the Superfund program is experiencing a slowdown in the annual number of toxic waste sites cleaned. From Fiscal Year 1997 through Fiscal Year 2000, an average of 85 sites per year were cleaned up. This year, 40 sites will be cleaned.

Second, the Superfund tax expired in 1995 and has not been reauthorized. As a result, the trust fund will only hold $28 million in fiscal year 2003.

Third, through the General Treasury, taxpayers have picked up the funding slack. Unfairly, I might add. Nonetheless, fewer sites are being cleaned despite constant funding for the Superfund program.

Fourth, the Regions are feeling the pinch. In an August 2001 Region 1 Conference call, the minutes noted: "Overall, based on the poll of the regions, it appears that we have approximately 52 sites that should be completed by the end of the Fiscal Year . . . for Fiscal Year 2002, there will not be enough funding to cover all of the projected needs and most new Remedial Actions starts could go unfunded."

One month before the end of the Fiscal Year, EPA was talking of cleaning 52 sites. The number actually cleaned was 47. What happened to the other 5 sites?

If a funding shortfall for Fiscal Year 2002 was widely anticipated, why didn't the Bush Administration request greater funding in its budget request?

The Bush Administration claims that the cleanup slowdown is because EPA is tackling more complex sites, which is taking more time and resources. I find this hard to believe. After all, our cleanup technologies have vastly improved since the 1980 passage of Superfund. What could be more difficult to clean than Love Canal before the expertise we have today existed?

These questions need answers. I find the vacuum of information unacceptable. I do not wish to question the Bush Administration's dedication to the Superfund program. However, the conclusions of the Inspector General's Report furthers my concerns.

As chairman of this committee, I am committed to ensuring the integrity of the Superfund program. All Americans deserve clean soil and water. They should not have to worry about their children's health being affected by a former industrial site in their community. And they should not worry about when and how a toxic site is cleaned up. It is my mission to ensure that Superfund functions exactly as it was intended-to clean up toxic waste sites quickly and completely.

STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM THE COMMONWEALTH OF MASSACHUSETTS

The lack of funding for Superfund sites across the Nation is a serious problem that Congress and The Administration have a responsibility to meet. Massachusetts has two Superfund sites on the National Priority List that are of great concern to the well-being of all the citizens in our State. The Atlas Tack Company site in Fairhaven and the New Bedford Harbor site have a long history of toxic waste con-

tamination and are serious risks to public health. After years of legal battles and environmental testing, these two sites are now at the important construction phase of the clean-up, and they deserve full funding.

The Atlas Tack Corporation manufactured large numbers of tacks and nails from 1901 through 1985. The company discharged toxic wastes into the ground and the wetlands surrounding the site. In 1990, the EPA added the site to the National Priorities List of Superfund sites. The EPA released a Proposed Plan in December 1999, identifying the preferred cleanup alternative. In March 2000, a Record of Decision was signed identifying the remedy and calling for a three-phase $18 million clean-up strategy.

New Bedford Harbor is the largest Superfund site in New England. It is a $317 million project and is one of the oldest Superfund sites in the country. $72.4 million has been spent so far, including the remedial design and remedial action. Starting next year and for the next 7 years, dredging will take place. Each year, $30.1 million is needed to finish the project. The revitalization of the city of New Bedford depends heavily on the cleanup of the harbor.

To meet the continuing cost of Superfund clean-ups across the country, Congress should re-authorize the corporate Superfund tax. From 1981 to 1995, these revenues provided close to $1 billion a year for the clean-up of these sites. The failure by Congress to re-authorize the tax in 1996 has shifted too much of the heavy financial burden of cleaning up these sites to the average taxpayer. In 1997, $1.15 billion for clean-ups came from the Superfund Tax Trust Fund, and $250 million came from taxpayer general revenues. This year, only $783 million came from the Trust Fund share, $676 million came from general revenues. Polluters who endanger our communities and our environment should be held responsible. The Superfund tax should be restored, so that Superfund clean-up projects in States across the country can be fairly and fully funded.

STATEMENT OF HON. JOHN KERRY, U.S. SENATOR FROM THE COMMONWEALTH OF MASSACHUSETTS

Thank you, Madame Chair, for the opportunity to testify at this important hearing today. I also want to thank you for your leadership on Superfund issues in the Senate.

In the 22-year history of the Superfund program, the late 1990's were the best of times. A record number of cleanups were completed, achieving the environmental and public health results first envisioned by Superfund's creators.

Unfortunately, this success is now in serious jeopardy from the Bush Administration, which is dramatically reducing the number of Superfund site cleanups completed each year, and allowing critical funds instrumental to the program's success to be entirely depleted.

We cannot afford to let our nation's superfund program fall prey to President Bush and his so-called Environmental "Protection" Agency. People in communities all across America are counting on us to save superfund—not only for the health of the environment, but for the health of the public as well.

People in communities—like Patty Estrella in my home State of Fairhaven, Massachusetts where the abandoned Atlas Tack factory leaches poison every day into the bay—need our help.

There's no disputing the facts. In 2000, the EPA offered a cleanup plan for the 24-acre arsenic-laden site that we all thought would actually happen. But 2 years after the plan was approved by town and State officials, the Atlas Tack site remains nearly as dangerous as it was a decade ago.

The EPA doesn't deny it. In fact, the EPA's own reports say the site is a health risk to any human or animal who visits the area or ingests shellfish harvested nearby.

Knowing this, it's beyond my comprehension that Atlas Tack's cleanup—once scheduled to start in April—is currently destined to remain unfunded by the Bush Administration.

We are talking here about a site that is known to contain heavy metals, cyanide, PCBs, pesticides, . . . We are talking about a site where over 7200 residents, living within one mile of Atlas Tack, are being forced to live in a toxic plume.

I want to know this of President Bush—is he willing to go back to that community and look those families in the eyes and tell them that he is not going to help?

Because that's exactly what the EPA Inspector General report says is going on. The report identifies a funding shortfall in President Bush's budget of more than $225 million dollars which will dramatically slow the pace of cleanup at our nation's

superfund sites. Thirty-three sites in 19 States are adversely affected—sites like Atlas Tack in Fairhaven.

The last time I checked, the goal of the Superfund program is to expeditiously cleanup the most dangerous contaminated toxic waste sites in the country to protect public health and the environment.

This goal is being seriously imperiled by the slowdown in cleanups caused by inadequate funding in the President's Budget. But it doesn't stop there.

By refusing to clean up the sites and then collect costs from the responsible parties, Bush and the EPA have essentially given the nation's biggest corporate polluters a multimillion-dollar reprieve.

Throughout the program's history, Superfund cleanups were primarily paid for by the polluters themselves. A trust fund was also established, based on funds collected from both a corporate environmental income tax and excise taxes to pay for the cleanup of sites where EPA could not find the responsible party, or the guilty party was bankrupt or unwilling to conduct the cleanup. EPA says the trust fund was used to clean 30 percent of the waste sites, while guilty corporations paid for the other 70 percent.

The concept of polluter pays will become an empty slogan if something is not done to keep the trust fund from going broke in 2004. The fund has dwindled from a high of $3.8 billion in 1996 to an estimated $28 million next year. So who's left footing a large portion of the bill? The answer, unfortunately, is taxpayers.

This situation is unacceptable on a number of levels—not only is the President not willing to clean up our nation's most contaminated sites, he wants to shift the costs away from the polluters and toward the taxpayers.

I would hope to hear today from the EPA not more of their excuses for letting cleanups at our Superfund sites come to a standstill or their excuses for letting corporate polluters off the hook, but what the agency is going to do to remedy this situation.

I want answers and I want them today. People like Patty Estrella that have been fighting for years to rid their neighborhoods of toxic contamination deserve answers.

Senator BOXER. And so, Ms. Tinsley, just in concluding, what is the policy of the Office of Inspector General on what information must be provided to Congress when it is requested by Congress through the appropriate committee chairs and so on?

Ms. TINSLEY. We follow the Department of Justice policy, which says if a committee chair requests or subcommittee chair—I think I'm right on subcommittee—requests something, then we'll provide it.

Senator BOXER. And can you confirm that in your view predecisional, enforcement sensitive, or documents exempted from release under FOIA must still be provided to Congress by an agency if appropriately requested?

Ms. TINSLEY. You're going to have to repeat that for me.

Senator BOXER. I will, because this is our understanding of what the Justice Department rule is, but I want to get it on the table because there are folks here from EPA who don't seem to get it. We believe that pre-decision, enforcement sensitive, or documents exempted from release under FOIA must still be provided to Congress by an agency if requested by the appropriate subcommittees and committees.

Ms. TINSLEY. We agree with that.

Senator BOXER. The answer is yes. Well, Ms. Horinko, I'd like you to take that back. We're asking for information. We're entitled to get this information. We don't want to waste time not having it. We don't want people dancing around the truth. If the Superfund program is going down the tubes, be straight enough with us to tell us it is going down the tubes.

I'll tell you, when I see stories like a State that has poison in the water has to front $1.2 million, I'm embarrassed. I'm embarrassed.

I continue to be embarrassed by what I'm learning about this program. It is very disturbing.

We will continue to press for the information. We're going to ask Ms. Tinsley for a review. You're not going to be blindsided. I'm telling you now we'll pick a date in September, so I don't want to hear, "Oh, we didn't know on September 12th what we were going to do on September 13th." We'd like you to work with us.

The fiscal year ends September 30th, you know, so by early September we need our ducks in a row.

I want to thank the people within the EPA, within the Inspector General's office who care about the environment and who are there for the right reasons, and we are going to press hard until we get every bit of information. We have justice on our side, we have the rules on our side, and we have the people with us on this.

Thank you very much. We stand adjourned.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned, to reconvene at the call of the chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Thank you, Chairwoman Boxer, for holding this timely hearing today on the status of the Superfund program. You have always been a great champion of the Superfund program and I admire your leadership and hard-work on this issue.

I am very concerned, as I know you are Madame Chairwoman, that we're losing momentum on Superfund with this Administration.

As I've stated before, I remember very clearly when Congress debated the original Superfund law, and I remember thinking what an incredible legacy Congress could leave the Nation by enacting that historic legislation.

Seeing how successful Superfund has been over the last 25 years, particularly in Libby, Montana, reinforces my belief that we did the right thing for the people of this country when we created the Superfund program.

That's why I was very disturbed by the Inspector General's report that indicated the Administration planned to reduce funding or delay clean-up efforts at Superfund sites around the country. These are sites that are heavily contaminated with hazardous and toxic materials, that pose significant threats to public health and the environment.

Two of the sites mentioned in that report are located in my State of Montana—the Upper Tenmile site and the Basin Creek mining site. Both of these sites are on the National Priorities List. In the case of the Tenmile site, the city of Helena's water supply is threatened with toxic mine wastes. This is very serious.

I understand that Basin and Tenmile received some funding after the Inspector General's report came out. But it's also my understanding that this funding is less than one-third what Region 8 said was necessary to move forward with long-term clean-up plans at these sites. It looks to me like Basin and Tenmile got just enough funding to put a band-aid on the problem.

I'm extremely concerned that the more we fall behind in securing the funding necessary for clean-up activities at NPL sites like Tenmile and Basin, the worse off we're going to be in future years. This has serious implications for the future stability of the Superfund program.

How long can we fund the status-quo at heavily contaminated sites before the risks to public health and the environment become too great? How long before this practice ends up costing us far more than if we provided the necessary funding at the front-end of the process?

Let me emphasize again that a Superfund designation is not a trivial event for the communities involved—it invokes real fear and uncertainty in people about the future, about the future economic health of their community, and about the future effects of any contamination on their health or their children's health.

In a place like Libby, Montana, people just want to know that they're not going to be the next one to get sick or die. We should not burden communities with such fear and uncertainty for any longer than is necessary to remedy the problem.

I know my State is not alone in facing cut-backs in funding. I also know that the Administration and Congress have to juggle a lot of competing priorities. However,

jeopardizing the viability of the Superfund program is just not an option, not when public health and safety is at risk.

Cleaning up massively contaminated sites and pursuing the parties responsible takes money, it takes a lot of money—you just have to take one look at the Berkeley Pit or the WR Grace vermiculite mine in my State to grasp that fact. And, we're not always going to find a responsible party.

The sooner this Administration accepts that fact, the sooner we can start looking together for solutions to the problem, including taking another look at re-authorization of the Superfund tax to replenish the trust fund, so that individual taxpayers aren't stuck with the tab. I commend you, madame Chairwoman, for starting that discussion by introducing S. 2596. I'm proud to be a co-sponsor of that legislation because we have to look at every available option to shore up Superfund.

Madame Chairwoman, I thank you again for holding this hearing so we can get to the bottom of what's going on with the Superfund program. I look forward to hearing the testimony of the witnesses.

City of Helena
Lewis and Clark County
316 North Park
Helena, MT 59623

City of Helena

31 AM 11:55

July 31, 2002

The Honorable Max Baucus
United States Senate
Washington, D. C.

Subject: Proposed Plan - Upper Tenmile Creek Mining Area Site

Dear Senator Baucus:

Thank you for the opportunity to comment on funding for the Upper Tenmile Watershed Superfund proposal developed by the USEPA in cooperation with watershed stakeholders. The USEPA's record of decision for the Tenmile Watershed is the culmination of a huge amount of work and cooperation between differing interests. As you know, the watershed is a primary water supply for the City of Helena and has been for more than 100 years. The City has a major investment in supply, storage and treatment facilities in the basin and an obligation to preserve and protect the quantity and quality of water for the benefit of Helena residents and customers.

The record of decision brings forward a solution for mine waste cleanup that goes well beyond the short-term disposal of mine tailings. It addresses and solves the local contamination of residential property in the small town of Rimini; provides an uncontaminated water supply for Rimini residents; adds stored water in the watershed for maintaining stream flows in Ten Mile Creek for dilution of stream bed contaminants and restoring aquatic habitat; and it protects the water supply for the City of Helena.

We understand that the funding of this project is in jeopardy and only about $1 million of the EPA's requested $ 3.2 million funding is proposed for the next year. In recognition of the importance of this project for public health, safety and environmental restoration, we strongly request that this project be given funding to achieve the project goals within as short a time frame as possible.

Thank you for the opportunity to comment on this important issue for Helena and Lewis and Clark County.

Sincerely,

Tim Burton
City Manager

Michael A. Murry, Chairman
Lewis & Clark County Board of Commissioners

c: Mayor and Commissioners
John Rundquist, Public Works Director

STATEMENT OF HON. HILLARY RODHAM CLINTON, U.S. SENATOR FROM THE STATE OF NEW YORK

Thank you, Madame Chairwoman.

The release of the EPA IG's report last month once again has raised questions and concerns regarding the status and the future of the Superfund program—or, as I have already said, what I believe we will soon be calling the "Not-So-Super-Fund."

According to the IG's letter to Congressman Dingell, at the time the report was issued, EPA had appropriated only half of what was requested by its regional offices for cleanups at Superfund sites across the country.

Unfortunately, this left a number of sites, including a site in the Village of Sidney in New York State, without the necessary funding.

Since the IG's report has been issued, EPA has made additional allocations of funds, including $2.5 of the $4 million requested for the GCL Tie and Treating site in Sidney, New York.

But many questions still remain about how EPA is handling the program, and what the Administration's plans and goals are for the program.

And additional questions flow from an article in today's New York Times, in which the State of Florida is being given an I.O.U. by EPA for a site cleanup, because the Agency doesn't have the needed funds, and that lack of funding is slowing down cleanup.

With one out of every four people in this country living within a mile of a Superfund site, we simply cannot afford to scrimp on this program.

Yet the Bush Administration is reported to be presiding over a more than 50 percent decline in the pace of cleanups, although I know that Assistant Administrator Horinko will rebut this claim in her testimony.

To date, the Administration has been unwilling to acknowledge that any particular sites would be affected by a slowdown in cleanups and a lack of adequate resources in the Super Fund.

They have also refused to request a reauthorization of the polluter pays tax, which has traditionally been used to fund Superfund site cleanups.

The Superfund Trust Fund was established for the specific purpose of funding cleanups, so that the polluters and not the American taxpayer would be footing the bill.

But when the taxes that supported the Fund expired in 1995 and Congress refused to reauthorize them, the Fund began to run dry.

Next year, more than half of the money requested by the Administration for Superfund cleanups would come from taxpayers, not polluters. And by FY04, there will be no money left in the Fund at all.

That is why I have joined with Senators Boxer and Chafee on their legislation to reauthorize the Superfund tax and reinstate the polluter-pays principle.

I was pleased to read an opinion piece published earlier this month in the New York Times in which EPA Administrator Whitman stated, "the President and I both believe strongly in the principle that 'the polluter pays.' Whenever my agency can determine who polluted a site, we hold that polluter responsible for the full cost of the cleanup."

I thought, "Great. We're all on the same page here."

And I know that Assistant Administrator Horinko will reiterate the Administration's "strong commitment" to the polluter pays principle in her testimony today.

So I was a bit surprised when in a consent order issued last week, EPA only required GE to pay $5 million of a $37 million tab for past costs associated with the Hudson River site cleanup.

A special notice letter of February 4, 2002, issued to GE read, "Demand is hereby made for reimbursement of the balance of EPA's and DOJ's unreimbursed past costs, $36, 967,290.72, plus interest."

Yet the order issued last week only requires $5 million in partial reimbursement, and it caps reimbursement for all Future Response Costs paid by EPA at $2.625 million. Keep in mind, the overall cost of the project is estimated at $460 million.

So I guess I'm just a bit confused. I understand that EPA has reserved its right to recoup additional reimbursement in the future, but I'm wondering what we're waiting for.

Now, don't get me wrong. We were all pleased to see the order issued and the process moving forward—particularly since this means that we will get some sampling in the Hudson completed this year.

But there are concerns that the order took too long, and that it is only for sampling. The order does not address other aspects of the remedial design, not to mention remedial actions. As such, EPA's order is just a very small step forward.

And this is just one site in New York—albeit a very large and significant site. But we have plenty of others, unfortunately. In fact, New York is fourth in the country in terms of the number of Superfund sites.

This is an issue of particular importance to New York and New Yorkers. We need to ensure that the communities that are plagued by these hazardous waste sites get the assistance and protection they so desperately need and deserve.

And as we will hear from the EPA IG today, the impact of insufficient resources for this program will be "causing delays or preventing important work needed to protect human health and the environment."

We simply cannot let that happen. And that is why we are here today holding this hearing.

Thank you.

STATEMENT OF HON. NIKKI L. TINSLEY, INSPECTOR GENERAL, U.S. ENVIRONMENTAL PROTECTION AGENCY

Good morning, Chairman Boxer and members of the subcommittee. I am Nikki Tinsley, Inspector General of the Environmental Protection Agency (EPA). I am pleased to speak to you today about the Office of Inspector General's report on funding needs to clean-up non-Federal National Priority List (NPL) Superfund sites and discuss how my Office went about conducting our work.

On April 17, 2002, the OIG received a letter from Congressmen John D. Dingell and Frank Pallone, Jr., of the House Committee on Energy and Commerce, requesting OIG assistance in identifying the funding needs of each non-Federal Superfund NPL site. In the letter, the Congressmen expressed their concerns that EPA was falling short of its cleanup goals in fiscal year 2002 and was reducing their target further for fiscal year 2003. Accordingly, the Congressmen requested that the OIG:

1) Identify and summarize the funding needed for each non-Federal Superfund NPL site so that clean-up activities could be initiated, continued, or expedited; and

2) Provide the remedial action prioritization list for each region and any similar nationwide document.

They asked us to provide a response in a very short time-frame and, in light of this time-frame, we did not conduct the type of detailed analysis and verification that we would generally do in a typical audit or evaluation.

In describing the results of our review, it is important to keep in mind that these figures are accurate as of the date the OIG completed its fieldwork. If the same information were requested today, some of the figures could be different because EPA Headquarters provides funds to the regions on a quarterly basis. Additionally, EPA periodically de-obligates funds from some sites and uses them to fund cleanup activities at other sites. So, in essence, the report represents a snapshot in time.

I have attached the OIG's complete report to this written testimony so I won't go into great detail on the specifics of the review. In summary, we found that for Fiscal Year 2002, EPA regions requested $450 million for remedial actions and EPA Headquarters allocated $224 million. Also, for Fiscal Year 2002, the regions requested $46.7 million for long-term response actions, and received $33.2 million

In responding to the first request, the OIG obtained information on remedial actions and long-term response actions from EPA Headquarters and each regional office. We developed a series of questions which we asked Superfund officials in each of EPA's ten regions. The questions were designed to obtain information about the processes for requesting and allocating funding; the officials' perspectives and/or concerns regarding these processes; and the officials' views on the impact of not receiving requested funds. We obtained information on the amount requested by the region and the amount allocated by Headquarters for each non-Federal Superfund site on the NPL.

We then compared the information from the regions to information EPA Regions had previously reported to the Congress. Prior to finalizing our information on funds requested and allocated to specific sites, we sent the data back to EPA regional officials for verification. Finally, senior auditors who had not worked on this assignment, traced the amounts requested and allocated back to the source documents provided by EPA.

In responding to the request for regional and national remedial action prioritization lists, we found that EPA regions provide a listing of sites to EPA Headquarters and the National Risk Based Priority Panel develops the prioritized list. EPA considers this prioritized list to be "enforcement confidential," meaning that if the document were to be released it could potentially jeopardize enforcement negotiations. EPA also maintained that this document should be withheld under guidance provided by the Department of Justice under the Freedom of Information

Act. In compliance with the Department of Justice, we did not provide this document in our response.

As our report indicated, EPA regional offices did not receive the full amount of funding requested to conduct remedial actions. When sites are ready for cleanup and the funding estimated are accurate, not providing sufficient funds can impact the program by causing delays or preventing important work needed to protect human health and the environment. For example, at the time of our fieldwork, a Region 4 official expressed concern about two partially funded sites that will require an additional $6 million this fiscal year to maintain clean-up progress. That official, as well as officials in Regions 6 and 8, expressed concern over the lack of funding for sites ready to start remedial activities. Further, a Region 7 official told us that the remediation phase for several mega-sites may be lengthened because sufficient funds are not available. For example, the Region may need to stretch a 5-year, $100 million cleanup over 10 years given the current funding levels. Above all the operational concerns, however, is the concern that when sufficient funds are not provided, the risk presented by the site is not fully addressed.

Madame Chairman, that concludes my remarks. Thank you for the opportunity to participate today. I would be happy to respond to any questions the committee may have.

STATEMENT OF HON. MARIANNE LAMONT HORINKO, ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE, U.S. ENVIRONMENTAL PROTECTION AGENCY

Good morning Madam Chairman and members of the subcommittee. I am Marianne Horinko, Assistant Administrator of the Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency. I am pleased to appear today to discuss Superfund program progress, new program challenges including Superfund program funding issues, and what EPA is doing to address those challenges.

Administrator Whitman and the Bush Administration are fully committed to Superfund's mission, protecting human health and the environment by cleaning up our Nation's worst hazardous waste sites. Thanks to a decade of reforms launched by the first Bush Administration and continued by the previous Administration, the Superfund program has achieved dramatic success. In that same bipartisan spirit, we embrace the new issues facing the program as it matures.

SUPERFUND PROGRESS

The Superfund program continues to make progress in cleaning up hazardous waste sites. To date, 93 percent of the sites on the National Priority List (NPL) are either undergoing cleanup construction or have cleanup construction completed:

- 815 Superfund sites have reached construction completion
- 391 Superfund sites have cleanup construction underway

Further, more than 7000 removal actions have been completed at NPL and non-NPL sites. In Fiscal Year 2001, EPA completed construction at 47 Superfund sites. However, the decline in the number of NPL sites that reached construction completion in Fiscal Year 2001, as compared with Fiscal Year 2000, did not reflect the amount of cleanup construction underway at Superfund sites. EPA has maintained the number of construction projects underway at NPL sites, more than 730 per year, from Fiscal Years 1999 through 2001. The President's Fiscal Year 2003 budget request continues a commitment to clean up hazardous waste sites by maintaining EPA's budget for the Superfund program with a request of $1.29 billion.

SUPERFUND CLEANUP COMMITMENTS AND COST RECOVERY

Fiscal Year 2001 produced a near record $ 1.7 billion in Superfund cost recovery and cleanup commitments from responsible parties. EPA's enforcement program secured $1.3 billion in cleanup commitments from responsible parties. An additional $ 413 million was secured to reimburse EPA for past cleanup costs—nearly $300 million more than in Fiscal Year 2000. The cumulative value of responsible party commitments since the inception of the program now exceed $20 billion. This Administration continues its strong commitment to the "polluter pays" principle, which has historically generated 70 percent of non-Federal Superfund site cleanup from responsible parties. Under this Administration, EPA vigorously conducts searches for responsible parties at every Superfund site and is striving to maximize every opportunity to recover Agency cleanup costs from responsible parties.

BROWNFIELDS PROGRAM

EPA's brownfields program, through its grants, loans, and other assistance, continues to promote the cleanup, development and reuse of blighted, abandoned brownfield sites throughout the country. The brownfields program has successfully supplemented the cleanup and development efforts of States, Tribes and local governments. I am pleased to report that since its inception, EPA's brownfields cleanup program has leveraged more than $3.7 billion in cleanup and redevelopment funds, and has generated more than 17,000 jobs. EPA funding has provided the resources to States, Tribes and local communities to assess more than 2,600 brownfield sites.

Thanks to the enactment of bipartisan brownfields legislation, we can expect to see even greater success by States, Tribes and local communities in reclaiming brownfield sites and encouraging the cleanup and reuse of sites by the private sector. EPA is now in the process of planning implementation of the provisions in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118). The Fiscal Year 2003 budget reflects the President's priorities and our commitment to cleaning up and revitalizing communities by doubling the brownfields budget to $200 million.

REDEVELOPMENT AND REUSE

I have made land revitalization a top priority for the Office of Solid Waste and Emergency Response and it is an integral part of the way EPA is implementing all waste cleanup programs. Simply achieving cleanup is not enough. It is necessary to view a property in terms also of the future economic, recreational or ecological benefits it represents to those who live nearby. It is important that we build on our success in the Brownfields program and make land revitalization a part of the Agency's organizational culture. We are making progress in the Superfund program. More than 260 Superfund sites have been put back into reuse, generating more than 15,000 jobs and representing $500 million in economic activity. While our fundamental mission remains to protect human health and the environment, we need to ensure that we fully consider a community's desired future land use for a property as we make cleanup decisions. We are working on tools to assist EPA managers and staff as they work closely with State, public and private stakeholders in facilitating property revitalization.

OIG RESPONSE ON SUPERFUND FUNDING NEEDS

By letter dated June 24, 2002, the EPA Inspector General (IG) responded to an inquiry by U.S. Representatives John Dingell and Frank Pallone on Superfund program funding needs. The IG response included a series of enclosures that contained Superfund site information provided by the Office of Solid Waste and Emergency Response (OSWER). The enclosures contained Superfund site information from OSWER data bases as of May, 2002. The information represented a snap-shot in time and did not reflect end of fiscal year data. The response indicated that EPA regions earlier in the year had estimated Superfund construction needs of approximately $450 million, while EPA had $224 million of appropriated funding available to allocate. The response did not take into account the funding from unliquidated obligations available for deobligaton in expired contracts, interagency agreements, and grants that EPA and its regions are generating in the 3d and 4th quarters of this fiscal year. This additional funding should total approximately $40 million, for a total of $264 million.

Overall, the funding levels for the Superfund program have remained relatively steady at

$1.3 to $1.5 billion over the past 5 years. Superfund program funding has provided sufficient levels of funding to continue on-going construction work. Notwithstanding recent press reports, no Superfund sites have had cleanup construction suspended, and sites that pose an immediate risk to public health or the environment have been and will continue to be addressed by the Agency.

No Cuts to Superfund Site Funding

Recent media reports inaccurately attributed to the IG response a list of 33 Superfund sites where EPA purportedly cut funding. The IG response did not contain a list of 33 sites with funding cuts and never characterized any of the information in the response as representing funding cuts. An enclosure in the response listed all sites eligible for construction funding and identified those sites that had not yet received funding as of the date in May when the data was generated by OSWER.

How Superfund Program Funding Really Works

Inaccurate media reports have exhibited a fundamental misunderstanding of the Superfund program funding process. The Superfund cleanup construction program is constantly evolving and funding decisions are made over the course of the entire year—not at the beginning of the fiscal year. Experience has taught us that the preliminary funding need estimates generated by EPA regions often represent levels that build in numerous contingencies that, over the course of the fiscal year, result in an over-estimate of the amount of funding needed to continue construction progress. Further, some sites identified at the beginning of the fiscal year by EPA regions as having construction funding needs are not actually ready to start construction before the end of the fiscal year for a variety of reasons; including changed site conditions, engineering or design modifications, or the identification of a viable responsible party to fund the work in place of EPA. Therefore, many of the construction funding decisions that will be made by the Agency during this fiscal year, had not been made at the time the IG response was released.

Many of the funding decisions in the Superfund program are historically made in the 3d and 4th quarters of the fiscal year because there is a congressional hold back of $100 million of cleanup funding in the EPA appropriations bill until September lst, and moneys deobligated from expired contracts, interagency agreements, and grants generally become available during this timeframe. These moneys are used to fund Superfund construction projects before the end of the fiscal year.

Following Agency practice, EPA has made additional Superfund funding decisions at sites since the release of the IG response. Further, as expected, some sites identified early in the year by EPA regions as needing construction funding, will not be ready for construction funding by the end of this fiscal year. Of the 33 Superfund sites reported by the media as purportedly having their funding cut, 8 sites have been funded for new construction work, 3 sites have been funded to continue ongoing construction work, and 6 sites will not need construction funding in this fiscal year. Not all of the sites have received money to date, and likely will not receive funding until September of this year. The Agency will make further site funding decisions as moneys become available from the regional efforts to deobligate moneys from expired contracts, interagency agreements, and grants.

NEW CLEANUP CHALLENGES

As the Superfund program continues into its third decade, new challenges must be met to continue the progress in cleaning up hazardous waste sites. In 2000, EPA had anticipated the potential for a reduction in achieving site construction completions. The Superfund process, from site listing to clean up construction, on average has taken roughly 8 to 10 years. Decisions made 5 years before a site ever reaches the construction phase, for instance delaying the Remedial Investigation / Feasibility Study (RIFS), will have an impact on when that site reaches construction completion many years later. This is the current situation we face in the Superfund program.

The reduction in construction completions has resulted from a variety of factors, including decisions made years ago on funding priorities; the size and number of construction projects at remaining non-construction complete sites on the NPL; and the need to balance competing environmental priorities within the Superfund program. In prior years, EPA focused resources on Superfund sites that needed less construction work and that were further along in the cleanup process, thus creating a backlog of more difficult sites and sites with significant years of construction work remaining.

Remaining Sites Larger and More Complex

The remaining number of Superfund sites that have not reached the completion stage includes area-wide groundwater sites, mining sites, sediment sites, and Federal facility sites. The size and complexity of these remaining sites generally indicate longer project durations and increased costs required to complete cleanup construction. There is now a greater number of Federal facilities and very large and complex sites (sites exceeding $50 million in cleanup costs) as a percentage of NPL sites not yet completed than ever before. Of the remaining 675 final NPL sites not construction complete, 138 are Federal facilities and an additional 93 sites are very large and complex sites.

Fewer Sites are Candidates For Completion

The pool of candidate sites for construction completion has become much smaller, thus having a significant impact on the number of sites that reach construction completion. The vast majority of Superfund sites were listed in the first decade of the program. Many of these sites have reached construction completion. As site listings

significantly declined in the 1990's, so did the pool of candidates for construction completion. It has historically taken roughly 8 to 10 years to complete Superfund sites, therefore sites listed after 1994 are, for the most part, unlikely candidates for construction completion. The Superfund program has final listed 190 sites on the NPL over the past 7 years. Adding those sites to the number of Federal facility sites (138) and very large/complex sites (93) that are not yet construction complete totals 421 sites. Subtract that number from the total number of sites not yet construction complete (675) and the Superfund program is faced with a relatively small pool of likely construction completion candidates (254)—as opposed to the more than 1200 sites final listed in the first decade of the Superfund program (1983–1990).

SUPERFUND PIPELINE MANAGEMENT REVIEW

Although the number of Superfund sites completing construction in a given year is being affected by program decisions made years before, EPA is looking for new ways to improve program performance. The Agency has initiated a comprehensive review of all Superfund projects in or approaching the most expensive phase of our project pipeline, construction. After completion of this analysis and implementation of some challenging decisions, EPA intends to manage toward creating an optimal balance between the achievement of risk reduction, construction progress, and beneficial reuse at Superfund sites. A draft 3 year plan is scheduled to be completed at the end of the summer.

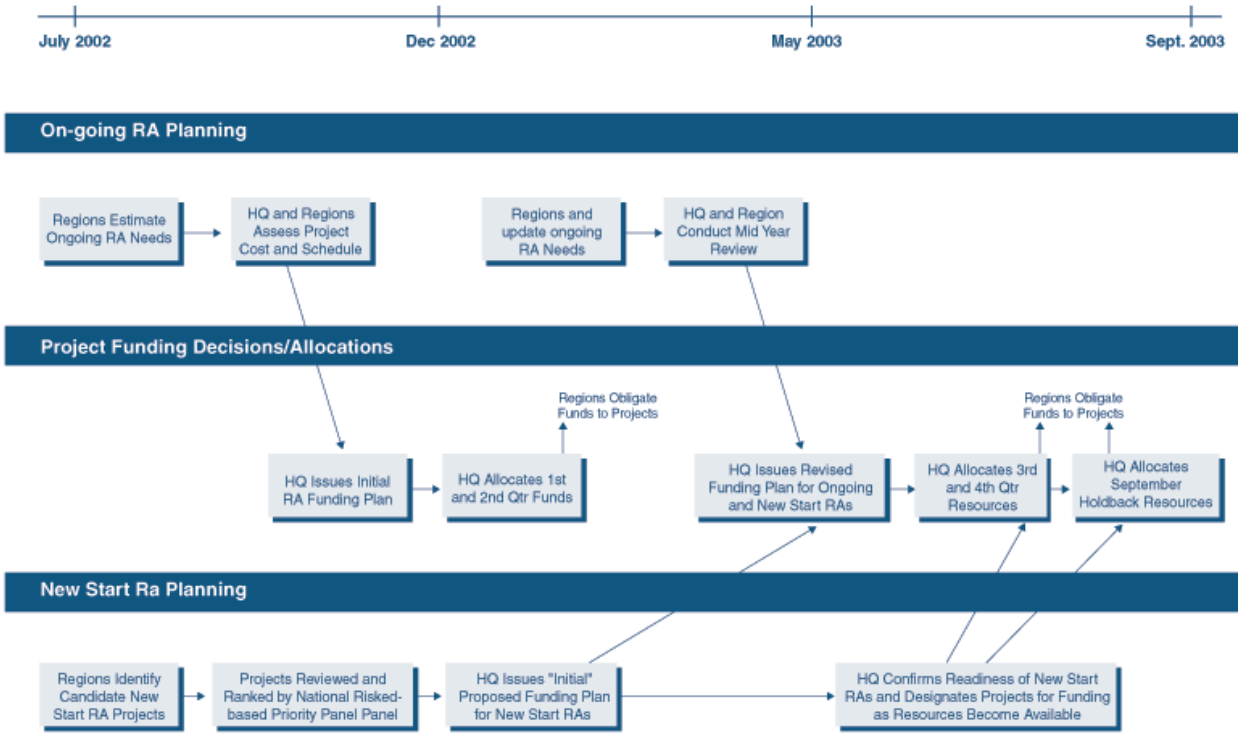
NACEPT PROCESS

EPA has launched a public dialog through the National Advisory Council on Environmental Policy and Technology (NACEPT), a Federal advisory committee comprised of a broad cross-section of stakeholders, that will examine the role of the Superfund program in addressing very large/complex sites, the appropriate role of listing sites on the NPL as one of many tools to address contaminated sites, and strategies to improve program effectiveness and efficiency through coordination with States, Tribes, and the public. The first meeting of the NACEPT Superfund Subcommittee was held in June. EPA will work closely with the Environment and Public Works Committee as the NACEPT expert panel debates these important public policy issues.

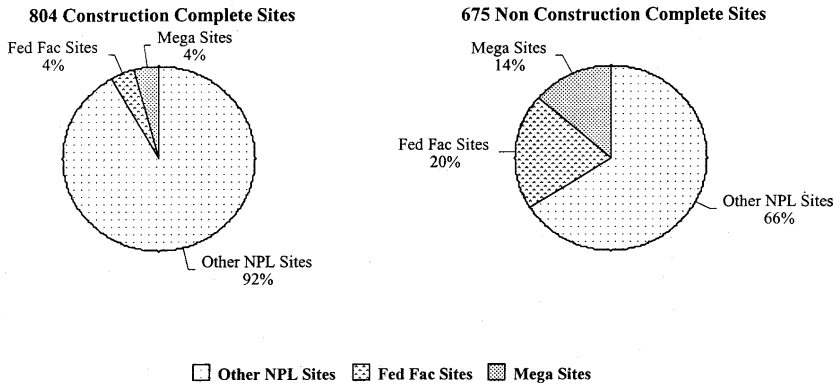
CONCLUSION

EPA will continue its efforts to improve Superfund program performance and meet the many new challenges facing the Agency in cleaning up toxic waste sites. The Superfund program will continue to clean up the Nation's worst toxic waste sites, to protect public health and the environment, and provide opportunities for reuse and redevelopment to communities across the country. The success of the Superfund program can be attributed in large part to the bipartisan and broad based consensus that developed for the common sense legislative and administrative reform of the program over the past decade. By working together in a non-partisan, problem solving fashion, I am convinced that we can continue that success. The President is fully committed to the Superfund program's success and toward fashioning a sustainable future course for the program as it continues into its third decade. EPA and the Administration look forward to working with the members of this committee and the Congress in the months and years ahead as we strive to meet our common goal of protecting public health and the environment.

Superfund Remedial Action Funding Process and Timeline

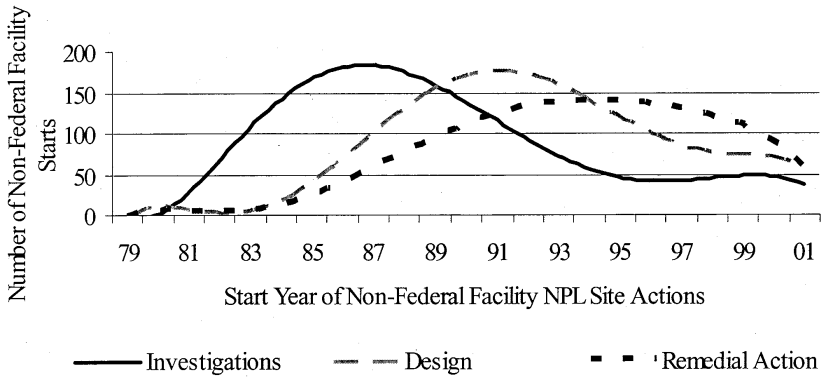


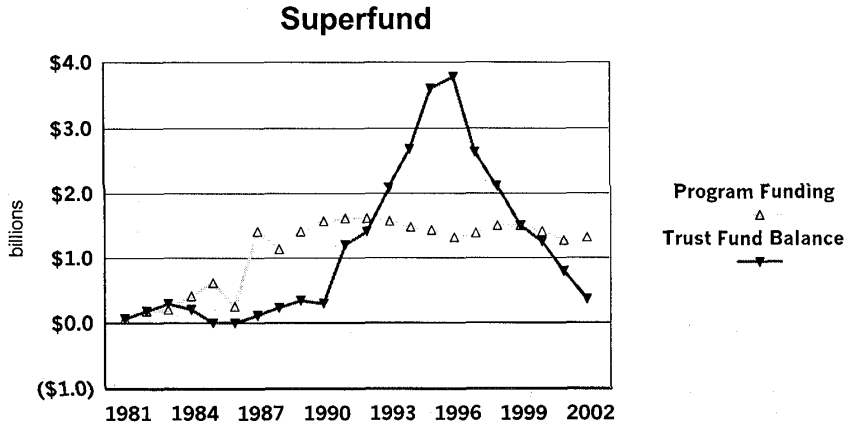
Remaining NPL Sites Are More Complex



Resources For the Future defined a "mega site" as a non-federal facility site with cleanup costs (PRP or Fund) of $50 million or more

Historical Pattern of Superfund Activity





RESPONSES OF MARIANNE LAMONT HORINKO TO ADDITIONAL QUESTIONS FROM SENATOR JEFFORDS

Question 1. In the minutes of an August 28, 2001 Region 1 Conference call: "Overall, based on the poll of the regions, it appears that we have approximately 52 sites that should be completed by the end of the Fiscal Year . . . Elaine also discussed the outlook for FY02, there will not be enough funding to cover all of the projected needs and most new Remedial Actions starts could go unfunded."

One month before the end of Fiscal Year 2001, EPA staff indicated in the above minutes that 52 sites would be cleaned up. The number actually cleaned was 47. What happened to the other 5 sites?

Response. On August 28, 2001, 52 candidates were identified as potential construction completionsites. At the end of fiscal year 2001, 47 sites achieved construction completion. The five candidate sites that did not achieve construction completion in fiscal year 2001 encountered unexpected site delays in the final month of the fiscal year which caused cleanup schedules to extend into the next fiscal year.

One site encountered more significant groundwater contamination than originally expected. This required additional construction to the treatment process and adjustments to the monitoring program associated with a monitored natural attenuation remedy. Another site had a pre-final site inspection delayed until October 2001. Final seeding of the cap and installation of a fence at this site was completed in November 2001 and the site achieved construction completion in December 2001. Two other sites encountered delays due to unforeseen construction issues. This included difficulties with operating a track hoe in a wet marsh area and drilling through the presence of bedrock discovered in the subsurface. The last site extended the public comment period associated with a public meeting due to mail and service disruptions related to the September 11th terrorist attack.

Question 2. If a funding shortfall for Fiscal Year 2002 was widely anticipated, why didn't the Bush Administration request greater funding in its FY03 budget request?

Response. The FY03 President's request does provide an increase for Superfund. The Administration's request proposes funding the Brownfields program, previously included in the Superfund appropriation, under separate Agency appropriations. The Superfund request was not reduced as part of this change. The majority of the increase will provide funding for Homeland Security preparedness and response readiness. While continuing remedial activities is a primary mission of the Superfund program, expanded responsibilities in the arena of Homeland Security have taken priority for any additional funding in fiscal year 2003.

Question 3. You note in your testimony that funding has remained relatively steady over the past 5 years. Accounting for inflation, how can level funding possibly be keeping pace with cleanup needs?

Response. This Administration has put a premium on making available resources go further. While inflation slowly reduces the purchasing power of appropriated resources, increased efficiency has the opposite effect. For instance, the Superfund program has begun using deobligated moneys in expired contracts, interagency agreements, and grants to free up resources already available to the agency. EPA

expects this funding in Fiscal Year 2002 to total approximately $40 million. The Agency has also placed a high priority on securing commitments from responsible parties to pay for and perform Superfund cleanups. As of the end of June, EPA had recovered $230 million dollars from responsible parties, which is substantially more than what was recovered in the entire year of fiscal year 2001. These actions have allowed the Agency to maintain progress at Superfund sites. A Pipeline Management Initiative is underway to identify ways to streamline and spend money more effectively.

Question 4. In your testimony, you note that historically the "polluter pays" principle has generated 70 percent of non-Federal Superfund site cleanup from responsible parties. What has that percentage been over the past 2 years?

Response. Private parties initiated 67 percent of new remedial action (RA) starts at non-Federal facility Superfund sites in Fiscal Year 2001 and 68 percent in Fiscal Year 2000. Over the last 3 years, private parties conducted approximately 73 percent of the new RA starts.

Question 5. In your testimony, you mention the National Advisory Council on Environmental Policy and Technology, the Federal advisory committee on Superfund. I am concerned that this committee does not have an appropriate balance of interested parties. I also am concerned that the committee does not seem to be addressing all the issues of concern and relevance. Last month, 11 groups wrote to you with similar concerns. How do you propose to resolve their concerns?

Response. With regard to membership balance, EPA took great efforts to form a subcommittee that reflects the variety of diverse perspectives held by stakeholders across the Superfund spectrum. During our selection process, we were very mindful of the Federal Advisory Committee Act (FACA) requirement that the membership of advisory committees "be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." FACA requires that committees reflect a range of points of view and the necessary expertise relative to a committee's charge. The Office of Solid Waste and Emergency Response (OSWER) believes the subcommittee we formed clearly meets that standard and represents a balanced point of view. EPA's Office of General Counsel (OGC) concurred with OSWER's balance assessment when they conducted their legal review of the subcommittee's proposed membership.

If the subcommittee determines they would like to hear from individuals with other perspectives or expertise, EPA has made it clear we are fully prepared to provide experts and consultants to ensure that the subcommittee has access to any additional viewpoints and expertise that the members believe are necessary to complete their mission.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

June 24, 2002

The Honorable John D. Dingell
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Dingell:

This letter responds to your request of April 17, 2002, that we identify and summarize the funding needs of each non-federal Superfund National Priority List (NPL) site so cleanup activities can be initiated, continued, or expedited. You also requested that we provide the remedial action prioritization list for each region and any similar nationwide document. We are sending an identical letter to Congressman Pallone.

We are providing a series of enclosures that show the current Superfund remedial action funding process and the need for additional funding to complete remedial actions. Enclosure 1 contains a list of all non-federal Superfund NPL sites where construction is not complete and additional funding is needed. Funds distributed for some regions include only first and second quarters distributions -- the rest are for the entire year. Costs associated with remedial investigation/feasibility study (RI/FS), remedy selection, remedial design, and other study/investigation activities (collectively called Pipeline Operations) are not included because they are not budgeted, requested, and distributed by site. The last two columns, "Estimated Total Cost" and "Obligated to Date," provide a perspective on a site's current clean-up status. Generally, fund led sites with an obligated amount approaching the estimated amount are close to being construction complete. This relationship is less certain with Potentially Responsible Party (PRP) and Mixed lead sites because total estimated costs may include non-federal costs. Enclosure 2 contains a description of EPA's site cleanup funding process.

Enclosure 3 contains a summary list of non-federal Superfund NPL sites where construction is not complete and funding was not provided at requested levels. For FY 2002, EPA Regions requested approximately $450 million for remedial actions, and EPA Headquarters allocated approximately $224 million. This figure does not include the $100 million congressional hold back, which is generally released in early September. Enclosure 4 describes EPA's procedures for distributing resources for remedial actions.

Enclosure 5 contains a list of sites undergoing long term response actions. These sites are generally sites where construction is complete and long term response action involves continuing treatment activities. Regions requested $46.7 million for long term response actions, and $33.2 million was distributed. We included this information to provide some perspective on funding used to operate and maintain treatment activities.

National Risk-Based Priority Panel Process for New Start Projects

EPA's Office of Enforcement and Compliance Assurance and the Office of Solid Waste and Emergency Response consider the Prioritized List of Remedial Action Starts that you requested to be "Enforcement Confidential" information. EPA officials maintain that release of this list could jeopardize ongoing and future enforcement negotiations and can be withheld under the Freedom of Information Act (FOIA). 5 U.S.C. Section 552(d) provides in part "This section is not authority to withhold information from Congress."

The Department of Justice (DOJ) interpreted 5 U.S.C. Section 552(d) in its Freedom of Information Guide and Privacy Act Overview, May 2000, edition:

> Subsection (d) of the FOIA makes clear that the Act was not intended to authorize any new withholding of information, including from Congress. While individual Members of Congress possess merely the same rights of access as those guaranteed to "any person" under subsection (a)(3), Congress as a body (or through its committees and subcommittees) cannot be denied access to information on the grounds of FOIA exemptions.

Further, the Freedom of Information Guide and Privacy Act Overview, refers to FOIA Update Volume V., No. 1, pp.3-4, which states:

> In sum, when an agency receives a FOIA request from a Member of Congress, it should first determine whether it is a duly authorized request on behalf of Congress through legislative committee or subcommittee. Any FOIA request submitted by the chairman of a committee or subcommittee on a subject within its jurisdiction should routinely fall into this category. On the other hand, if the request is not an official committee or subcommittee request, then the agency should process it as a request from "any person" under the FOIA, but with particular regard for the considerations of congressional relations, discretionary disclosure and waiver referred to above.

The National Risk-Based Priority list is an Agency document, not the result of any OIG work, and the Agency has informed us that it is extremely sensitive. Therefore, based on DOJ guidance, we will not be able to release the information without a request by the Chairman of a Committee or Subcommittee with jurisdiction. Enclosure 6 describes the National Risk Based Priority Panel Process for New Start Projects.

Examples of Funding Limitations

We asked Regional officials to identify situations where cleanup could have been initiated, continued, or expedited with additional funding. Also, we asked the Regions to specify activities affected and associated funding needs. Here are some examples:

- Region 4 expressed concerns about two FY 2002 partially funded sites that will require $6 million in additional funds in FY 2002 to maintain clean-up progress. Region 4 also said that new starts are now a bottleneck in the Superfund pipeline; several new starts for 2001 were listed again in 2002.

- Region 6 did not receive approximately $56 million requested for three remedial action new starts and three non-time critical removal actions.

- Region 7 has several mega-sites where the remediation phase may be lengthened due to lack of funding. For example, the Region may stretch a 5-year, $100 million, clean-up over 10 years under current funding levels.

- Region 8 could have started work at two sites if it had received an additional $10 million it requested.

Methodology

To respond to your request, we obtained information from Superfund officials in each of EPA's Regional offices to assemble a listing of the status of funding at each non-federal Superfund NPL site. Regional officials provided information about site clean-up funding, the process for obtaining funding, and the significance of funding reductions in recent years. We relied on the data provided by Superfund officials, including data from the Superfund information system (CERCLIS). We verified the data used with Superfund officials, but did not independently determine its accuracy. Currently, we are reviewing the quality of CERCLIS data and have identified potential issues. When completed, we will provide you with our report.

If you or your staff have any questions, feel free to call me or Eileen McMahon, Congressional Liaison, at (202) 260-0401.

Sincerely,
/s/

Nikki L. Tinsley

Enclosures (6)

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
1	CT	CTD001452093	Durham Meadows	TBD					
1	CT	CTD001153923	Linemaster Switch Corp.	PRP					
1	CT	CTD980669261	Nutmeg Valley Road	FUND			500,000	516,478	
1	CT	CTD980670806	Old Southington Landfill	MIXED					
1	CT	CTD051316313	Precision Plating Corp.	TBD					
1	CT	CTD001186618	Raymark Industries, Inc.	TBD			87,000,000	87,120,952	
1	CT	CT0002265551	Scovill Industrial Landfill						
1	CT	CTD009717604	Solvents Recovery Service New England	TBD			350,000	352,688	
1	MA	MAD001026319	Atlas Tack Corp.	FUND	13,100,000		18,200,000	222,600	
1	MA	MAD001041987	Baird & McGuire	FUND			141,400,000	140,917,789	
1	MA	MAD982191363	Blackburn & Union Privileges	TBD				0	
1	MA	MAD980523336	Haverhill Municipal Landfill	TBD					
1	MA	MAD076580950	Industri-Plex	MIXED			70,000	71,323	
1	MA	MAD051787323	Iron Horse Park	MIXED			1,100,000	1,068,042	
1	MA	MAD980731335	New Bedford Site	FUND	10,000,000	6,500,000	302,000,000	73,869,436	
1	MA	MAD062166335	Nuclear Metals, Inc.						
1	MA	MAD990685422	Nyanza Chemical Waste Dump	FUND			49,600,000	34,689,428	
1	MA	MAD980503973	Shpack Landfill	TBD					
1	MA	MAD000192393	Silresim Chemical Corp.	FUND			51,900,000	23,904,840	
1	MA	MAD980520696	Sutton Brook Disposal Area				2,200,000	2,175,313	
1	MA	MAD980732168	Wells G&H	MIXED			13,000	12,691	
1	MA	MAD001002252	W.R. Grace & Co Inc (Acton Plant)	PRP			50,000	51,852	
1	ME	MED980915474	Eastland Woolen Mill		12,000,000	5,000,000	43,000,000	36,023,534	
1	ME	MED980731475	O'Connor Co.	PRP			20,000	19,013	
1	ME	MED985466168	West Site/Hows Corners	TBD			3,200,000	3,211,384	
1	NH	NHD018958140	Beede Waste Oil	TBD			6,200,000	5,679,112	
1	NH	NHD980520191	Dover Municipal Landfill	MIXED					
1	NH	NHD001079649	Fletcher's Paint Works & Storage	MIXED			2,700,000	2,676,878	
1	NH	NHD001091453	New Hampshire Plating Co.	FUND	8,600,000		14,800,000	5,821,476	
1	NH	NHD990717647	Ottati & Goss/Kingston Steel Drum	MIXED	8,450,000	8,450,000	25,500,000	19,486,541	
1	NH	NHD980671002	Savage Municipal Water Supply	MIXED			9,400,000	9,376,193	
1	NH	NHD980520225	Somersworth Sanitary Landfill	MIXED			1,000	759	
1	RI	RID980520183	Central Landfill	TBD					
1	RI	RID981203755	Centredale Manor Restoration Project				1,600,000	1,636,744	

R1 final NPL not CC TS5.123

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
1	RI	RID980523070	Davis Liquid Waste	MIXED			8,100,000	8,132,707	
1	RI	RID055176283	Peterson/Puritan, Inc.	TBD			70,000	70,544	
1	RI	RID980579056	Picillo Farm	MIXED			3,500,000	3,523,387	
1	RI	RID980521025	Rose Hill Regional Landfill	FUND			70,000	70,166	
1	RI	RID981063993	West Kingston Town Dump/URI Disposal	TBD					
1	VT	VTD988366621	Elizabeth Mine		15,000,000				
1	VT	VTD988366571	Ely Copper Mine						
1	VT	VTD981062441	Parker Sanitary Landfill	PRP					
1	VT	VTD980523062	Pine Street Canal	PRP			600,000	612,507	
1	VT	VTD069910354	Pownal Tannery				8,100,000	8,122,115	
			TOTALS		67,150,000	19,950,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Estimated total costs include removal and remedial action costs incurred and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. These projections do not include the cost of work conducted (or to be conducted) by PRPs. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
2	NJ	NJD002173276	American Cyanamid Co.	TBD					
2	NJ	NJD980505176	Brick Township Landfill	PRP					
2	NJ	NJD053292652	Bridgeport Rental & Oil Services	MIXED				198,000,000	
2	NJ	NJD078251675	Brook Industrial Park	MIXED			10,000,000	3,000,000	
2	NJ	NJD980504997	Burnt Fly Bog	FUND	22,000,000		59,000,000	31,000,000	
2	NJ	NJD048798953	Caldwell Trucking Co.	PRP			15,000,000		
2	NJ	NJD980484653	Chemical Insecticide Corp.	FUND	28,500,000			8,000,000	
2	NJ	NJD047321443	Chemical Leaman Tank Lines, Inc.	PRP					
2	NJ	NJD980528889	Chemsol, Inc.	TBD					
2	NJ	NJD001502517	Ciba-Geigy Corp.	PRP			238,000,000		
2	NJ	NJD980785638	Cinnaminson Ground Water Contamination	PRP					
2	NJ	NJD094966611	Combe Fill South Landfill	FUND	1,400,000			47,000,000	
2	NJ	NJD981557879	Cornell Dubilier Electronics Inc	TBD					
2	NJ	NJD000565531	Cosden Chemical Coatings Corp.	FUND			14,000,000	4,000,000	
2	NJ	NJD002141190	CPS/Madison Industries	TBD					
2	NJ	NJD980529416	D'Imperio Property	PRP					
2	NJ	NJD002168748	Dayco Corp./L.E Carpenter Co.	PRP			11,000,000		
2	NJ	NJD980761373	De Rewal Chemical Co.	FUND			22,000,000	14,000,000	
2	NJ	NJD980529002	Delilah Road	PRP			2,000,000		
2	NJ	NJD980528996	Diamond Alkali Co.	TBD					
2	NJ	NJD980654131	Dover Municipal Well 4	TBD					
2	NJ	NJD980772727	Emmell's Septic Landfill	FUND					
2	NJ	NJD980654222	Evor Phillips Leasing	TBD					
2	NJ	NJD980654107	Fair Lawn Well Field	TBD					
2	NJ	NJ0001900281	Federal Creosote	FUND	33,500,000	31,000,000		55,000,000	
2	NJ	NJD986570992	Franklin Burn	FUND				1,000,000	
2	NJ	NJD041828906	Fried Industries	FUND			11,000	5,000,000	
2	NJ	NJD980785646	Glen Ridge Radium Site	FUND	15,000,000	15,000,000		110,000,000	
2	NJ	NJD063160667	Global Sanitary Landfill	PRP			25,000,000		
2	NJ	NJ0001327733	Grand Street Mercury	MIXED			18,000,000	13,000,000	
2	NJ	NJD002349058	Hercules, Inc. (Gibbstown Plant)	PRP					
2	NJ	NJD053102232	Higgins Disposal	TBD			3,000,000		
2	NJ	NJD980663678	Horseshoe Road	TBD					
2	NJ	NJ0001360882	Iceland Coin Laundry Area GW Plume	TBD					

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
2	NJ	NJD980654099	Imperial Oil/ChampChem	FUND			36,000,000	14,000,000	
2	NJ	NJD097400998	JIS Landfill	PRP			10,000,000		
2	NJ	NJD002493054	Kauffman & Minteer, Inc.	TBD			15,000,000	0	
2	NJ	NJD048044325	Landfill & Development Co.	TBD					
2	NJ	NJD079303020	LCP Chemicals Inc	TBD					
2	NJ	NJD014743678	Lightman Drum Company	TBD					
2	NJ	NJD980505416	Lipari Landfill	MIXED			113,000,000	69,000,000	
2	NJ	NJD014623854	Martin Aaron, Inc.	TBD					
2	NJ	NJD980529762	Maywood Chemical Co.	TBD					
2	NJ	NJD002517472	Metaltec/Aerosystems	FUND			21,000,000	10,000,000	
2	NJ	NJD980529408	Monitor Devices/Intercircuits Inc	TBD					
2	NJ	NJD980785653	Montclair/West Orange Radium Site	FUND				95,000,000	
2	NJ	NJD980654164	Montgomery Twnshp Housing Development	FUND	2,000,000		2,000,000	0	
2	NJ	NJD980654198	Myers Property	PRP			46,000,000		
2	NJ	NJD002362705	Nascolite Corp.	MIXED			24,000,000	8,000,000	
2	NJ	NJD061843249	NL Industries	PRP			17,000,000		
2	NJ	NJD980505648	PJP Landfill	PRP			23,000,000		
2	NJ	NJD981179047	Pohatcong Valley Ground Water Contaminat	TBD					
2	NJ	NJD070281175	Price Landfill	MIXED			21,000,000	4,000,000	
2	NJ	NJD981084767	Puchack Well Field	TBD					
2	NJ	NJD047684451	Radiation Technology, Inc.	TBD					
2	NJ	NJD980654115	Rockaway Borough Well Field	MIXED					
2	NJ	NJD980654214	Rockaway Township Wells	PRP					
2	NJ	NJD980654156	Rocky Hill Municipal Well	FUND	2,000,000		2,000,000	0	
2	NJ	NJD073732257	Roebling Steel Co.	FUND	12,000,000	2,400,000		34,000,000	
2	NJ	NJD070565403	Scientific Chemical Processing	PRP					
2	NJ	NJD980505762	Sharkey Landfill	PRP			36,000,000		
2	NJ	NJD002365930	Shieldalloy Corp.	PRP					
2	NJ	NJD041743220	Swope Oil & Chemical Co.	PRP					
2	NJ	NJD064263817	Syncon Resins	FUND			25,000,000	18,000,000	
2	NJ	NJ0001120799	United States Avenue Burn	TBD					
2	NJ	NJD002005106	Universal Oil Products(Chemical Division	TBD					
2	NJ	NJD980654172	U.S. Radium Corp.	FUND	10,000,000	3,000,000		95,000,000	
2	NJ	NJD980529879	Ventron/Velsicol	PRP					
2	NJ	NJD002385664	Vineland Chemical Co., Inc.	FUND	20,000,000	12,000,000		56,000,000	

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
2	NJ	NJD054981337	Waldick Aerospace Devices, Inc.	FUND			21,000,000	6,000,000	
2	NJ	NJD986620995	Welsbach & General Gas Mantle (Camden)	FUND	12,000,000	7,000,000		14,000,000	
2	NJ	NJD980755623	White Chemical Corp.	FUND				8,000,000	
2	NJ	NJD980505887	Woodland Route 532 Dump	PRP			36,000,000		
2	NJ	NJD980505879	Woodland Route 72 Dump	PRP			36,000,000		
2	NJ	NJD986643153	Zschiegner Refining	FUND					
2	NY	NYD980507693	Batavia Landfill	PRP			15,000,000		
2	NY	NYD980780670	Byron Barrel & Drum	PRP			6,000,000		
2	NY	NYD002044584	Claremont Polychemical	FUND			11,000,000	10,000,000	
2	NY	NYD980768691	Colesville Municipal Landfill	PRP			5,000,000		
2	NY	NYD125499673	Computer Circuits	TBD					
2	NY	NY0002455756	Consolidated Iron and Metal	TBD					
2	NY	NYD980528475	Cortese Landfill	PRP			4,000,000		
2	NY	NYD981560923	Forest Glen Mobile Home Subdivision	MIXED			16,000,000	7,000,000	
2	NY	NY0000110247	Fulton Avenue	TBD					
2	NY	NYD981566417	GCL Tie & Treating Inc.	FUND	4,000,000		30,000,000	18,000,000	
2	NY	NYD091972554	General Motors(Central Foundry Division)	PRP					
2	NY	NYD002050110	Genzale Plating Co.	FUND				4,000,000	
2	NY	NYD980780779	Hertel Landfill	PRP					
2	NY	NYD981560915	Hiteman Leather	FUND					
2	NY	NYD002920312	Hooker Chemical/Ruco Polymer Corp	PRP					
2	NY	NYD000831644	Hooker (Hyde Park)	PRP			60,000,000		
2	NY	NYD980651087	Hooker (S Area)	PRP			54,000,000		
2	NY	NYD980763841	Hudson River PCBs	TBD			460,000,000		
2	NY	NYD001344456	Jackson Steel	TBD					
2	NY	NYD000813428	Jones Chemicals, Inc.	PRP			1,000,000		
2	NY	NYD980650667	Kentucky Avenue Well Field	MIXED					
2	NY	NYD002041531	Lawrence Aviation Industries, Inc.	TBD					
2	NY	NYD986950251	Lehigh Valley Railroad	TBD					
2	NY	NYD986882660	Li Tungsten Corp.	MIXED	1,000,000	1,000,000	35,000,000	9,000,000	
2	NY	NYD000337295	Liberty Industrial Finishing	TBD			21,000,000		
2	NY	NY0001233634	Little Valley	FUND				2,000,000	
2	NY	NYD013468939	Ludlow Sand & Gravel	PRP					
2	NY	NYD980753420	MacKenzie Chemical Works, Inc.	TBD					
2	NY	NYD048148175	Mercury Refining, Inc.	TBD					

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RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
2	NY	NYD986950012	Mohonk Road Industrial Plant	FUND	250,000	250,000	12,000,000	1,000,000	
2	NY	NYD000511451	Nepera Chemical Co., Inc.	TBD					
2	NY	NYD980664361	Niagara Mohawk Pwr Co(Saratoga Springs)	PRP			15,000,000		
2	NY	NYSFN0204234	Old Roosevelt Field Contaminated GW Area	TBD					
2	NY	NYD980528657	Olean Well Field	MIXED	1,000,000	1,000,000		2,000,000	
2	NY	NYD986913580	Onondaga Lake	TBD					
2	NY	NYD980530265	Peter Cooper	TBD					
2	NY	NYD980592547	Peter Cooper Corporation (Markhams)	TBD					
2	NY	NYD980507495	Pfohl Brothers Landfill	PRP			50,000,000		
2	NY	NYD980507735	Richardson Hill Road Landfill/Pond	PRP			14,000,000		
2	NY	NYD982272734	Rosen Brothers Scrap Yard/Dump	PRP			3,000,000		
2	NY	NYD981486954	Rowe Industries Gnd Water Contamination	PRP					
2	NY	NYD980535181	Sealand Restoration, Inc.	PRP			1,000,000		
2	NY	NYSFN0204269	Shenandoah Road GW Contamination	TBD					
2	NY	NYD980507677	Sidney Landfill	PRP			5,000,000		
2	NY	NYD980535215	Sinclair Refinery	PRP					
2	NY	NY0002318889	Smithtown Ground Water Contamination	TBD					
2	NY	NYD980421176	Solvent Savers	PRP			30,000,000		
2	NY	NYD047650197	Stanton Cleaners Area Ground Water Cont.	FUND			2,000,000	1,000,000	
2	NY	NYD980509285	Tri-Cities Barrel Co., Inc.	PRP			20,000,000		
2	NY	NYD980763767	Vestal Water Supply Well 1-1	FUND	1,600,000	1,600,000	8,000,000	7,000,000	
2	NY	NYD980509376	Volney Municipal Landfill	PRP			13,000,000		
2	NY	NYD000511733	York Oil Co.	PRP			11,000,000		
2	PR	PRD980512362	Juncos Landfill	MIXED			5,000,000	3,000,000	
2	PR	PRD987376662	Scorpio Recycling, Inc.	TBD					
2	PR	PRD980763775	Vega Alta Public Supply Wells	PRP			10,000,000		
2	PR	PRD980512669	Vega Baja Solid Waste Disposal	TBD					
2	VI	VID980651095	Island Chemical Corp/V.I. Chemical Corp	TBD					
2	VI	VID982272569	Tutu Wellfield	MIXED	8,000,000			0	
				TOTALS	174,250,000	74,250,000			

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Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Estimated total costs for remedial construction activities include both PRP and Fund costs. Total costs represent the best estimates of cost available at this time. These estimates are generally from Records of Decision, which can be inaccurate.

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
3	DE	DED980693550	Dover Gas Light Co.	PRP			3,000,000		
3	DE	DED980555122	E.I.Du Pont de Nemours (Newport Landfill	PRP			20,000,000	1,793	
3	DE	DED980552244	Koppers Co., Inc. (Newport Plant)	TBD			0	22,393	
3	DE	DED041212473	Standard Chlorine of Delaware,Inc	TBD			16,000,000		
3	MD	MDD003061447	Central Chemical (Hagerstown)	TBD			50,000	8,682	
3	MD	MDD980923783	Kane & Lombard Street Drums	TBD			5,600,000	5,415,251	
3	MD	MDD982364341	Ordnance Products, Inc.	TBD			3,500,000	1,042,319	
3	MD	MDD980705164	Sand, Gravel & Stone	PRP			8,500,000	16,054	
3	MD	MDD000218008	Spectron, Inc.	TBD			8,000,000	480,327	
3	PA	PAD003053709	Avco Lycoming (Williamsport Division)	PRP			2,000,000		
3	PA	PAD980691794	Berks Sand Pit		500,000	500,000		7,225,063	
3	PA	PAD047726161	Boarhead Farms	PRP			21,000,000	6,221,200	
3	PA	PAD089667695	Breslube-Penn, Inc	PRP				1,406,138	
3	PA	PAD980831812	Brown's Battery Breaking	PRP			12,000,000	1,386,882	
3	PA	PAD980508451	Butler Mine Tunnel	PRP			6,000,000	151,413	
3	PA	PAD000436261	Centre County Kepone	PRP			10 - 20 M		
3	PA	PAD980419097	Crater Resources/Keystone Coke/Alan Wood	PRP			10,000,000		
3	PA	PAD981740061	Crossley Farm	FUND			21,000,000	4,119,805	
3	PA	PAD002384865	Douglassville Disposal	PRP			47,000,000	10,513,494	
3	PA	PAD981740004	Dublin TCE Site	TBD			12,000,000	1,968,816	
3	PA	PAD980830533	Eastern Diversified Metals	PRP			12,000,000		
3	PA	PAD980539712	Elizabethtown Landfill	PRP			22,000,000		
3	PA	PAD077087989	Foote Mineral Co.	PRP					
3	PA	PAD002338010	Havertown PCP	FUND			12,000,000	19,747,786	
3	PA	PAD002390748	Hellertown Manufacturing Co.		350,000	350,000		3,915,661	
3	PA	PAD980830897	Hunterstown Road	PRP			10,000,000		
3	PA	PAD980829493	Jacks Creek/Sitkin Smelting and Refinery	PRP			15,000,000	1,139,184	
3	PA	PAD054142781	Keystone Sanitation Landfill	PRP			10,000,000	970	
3	PA	PASFN0305521	Lower Darby Creek Area						
3	PA	PAD014353445	Malvern TCE	PRP			18,000,000	155,491	
3	PA	PAD046557096	Metal Banks	PRP			17,000,000		
3	PA	PAD980508766	Moyers Landfill	PRP			32,000,000	36,601,817	
3	PA	PAD980691372	MW Manufacturing	PRP			60,000,000	2,545,944	
3	PA	PAD002342475	North Penn - Area 2	TBD					

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RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
3	PA	PAD980692693	North Penn - Area 5	TBD				311,351	
3	PA	PAD980926976	North Penn - Area 6	FUND	1,000,000		5,000,000	5,180,116	
3	PA	PAD002498632	North Penn - Area 7	TBD					
3	PA	PAD079160842	Novak Sanitary Landfill	PRP			20,000,000		
3	PA	PAD980229298	Occidental Chemical Corp./Firestone Tire	PRP			7,000,000		
3	PA	PAD981938939	Old Wilmington Road GW Contamination					302,592	
3	PA	PAD002395887	Palmerton Zinc Pile	PRP			65,000,000	5,988,877	
3	PA	PAD980692594	Paoli Rail Yard	PRP			35,000,000	2,886,762	
3	PA	PAD981033285	Rodale Manufacturing Co., Inc.	PRP			6,000,000		
3	PA	PAD980692487	Saegertown Industrial Area	PRP			5 - 10 M		
3	PA	PAD001933175	Sharon Steel Corp(Farrell Wks Disp Area)						
3	PA	PAD980830889	Shriver's Corner	PRP			15,000,000	37,880	
3	PA	PAD980539126	UGI Columbia Gas Plant	TBD					
3	PA	PAD982363970	Valmont TCE					472,637	
3	PA	PAD980829527	Walsh Landfill	PRP			12,000,000	4,070,852	
3	PA	PAD980706824	Watson Johnson Landfill						
3	PA	PAD005000575	Westinghouse Electronic (Sharon Plant)	PRP			7,000,000		
3	PA	PAD003005014	Whitmoyer Laboratories	PRP			80,000,000	1,894,600	
3	PA	PAD980537773	William Dick Lagoons	PRP			14,000,000	4,114,194	
3	VA	VAD980551683	Abex Corp.	PRP			22,000,000	387,286	
3	VA	VAD042916361	Arrowhead Associates/Scovill Corp.	PRP			8,700,000	242,774	
3	VA	VAD990710410	Atlantic Wood Industries, Inc.	TBD			5,400,000		
3	VA	VAD070358684	Avtex Fibers, Inc.	PRP			76,000,000	34,706,073	
3	VA	VAD059165282	Culpeper Wood Preservers, Inc.	TBD			0		
3	VA	VAD123933426	Former Nansemond Ordnance Depot					33	
3	VA	VAD077923449	Kim-Stan Landfill	FUND					
3	VA	VAD007972482	L.A. Clarke & Son	PRP			3,000,000		
3	VA	VAD980831796	Rhinehart Tire Fire Dump	FUND	16,000		11,000,000	10,650,765	
3	VA	VAD003127578	Saltville Waste Disposal Ponds	PRP			28,000,000	0	
3	VA	VAD003117389	Saunders Supply		24,000	24,000		15,444,499	
3	WV	WVD054827944	Big John Salvage - Hoult Road					2,819,170	
3	WV	WVD047989207	Fike Chemical, Inc.	TBD			38,000,000	21,950,133	
3	WV	WVD004336749	Follansbee Site	TBD			0		
3	WV	WVD024185373	Hanlin-Allied-Olin	PRP					
3	WV	WVD000850404	Ordnance Works Disposal Areas	PRP			8,000,000		

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RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
3	WV	WVD000800441	Sharon Steel Corp (Fairmont Coke Works)	TBD			16,000,000	6,814,820	
3	WV	WVD988798401	Vienna Tetrachloroethene					2,038,477	
			TOTALS		1,890,000	874,000			
			NEEDED		***1,016,000***				

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Estimated total costs are for sites with current Remedial Actions or Records of Decision.

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
4	AL	ALD981868466	American Brass Inc.	TBD				5,000,000	
4	AL	ALD041906173	Interstate Lead Co. (ILCO)	PRP				7,000,000	
4	AL	ALD008188708	Olin Corp. (McIntosh Plant)	PRP				1,000	
4	AL	ALD980844385	Redwing Carriers, Inc. (Saraland)	TBD				4,600,000	
4	AL	ALD095688875	Stauffer Chemical Co. (Cold Creek Plant)	PRP					
4	AL	ALD008161176	Stauffer Chemical Co. (LeMoyne Plant)	TBD					
4	AL	ALD007454085	T.H. Agriculture & Nutrition (Montgomery	PRP					
4	FL	FLD012978862	Alaric Area GW Plume						
4	FL	FLD008161994	American Creosote Works (Pensacola Plt)	FUND	8,000,000		19,000,000	7,000,000	
4	FL	FLD981014368	Anodyne, Inc.	PRP					
4	FL	FLD980709356	Cabot/Koppers	PRP			4,250,000	56,000	
4	FL	FLD094590916	Callaway & Son Drum Service					200,000	
4	FL	FLD991279894	Coleman-Evans Wood Preserving Co.	FUND	7,000,000	4,500,000	33,600,000	33,600,000	
4	FL	FLD008168346	Escambia Wood - Pensacola	FUND				25,200,000	
4	FL	FLD984184127	Florida Petroleum Reprocessors	TBD				350	
4	FL	FLD053502696	Helena Chemical Co. (Tampa Plant)	TBD					
4	FL	FLD004119681	Hollingsworth Solderless Terminal		50,000	50,000			
4	FL	FLD042110841	Landia Chemical Company					60,000	
4	FL	FLD088787585	MRI Corp (Tampa)	TBD					
4	FL	FLD004091807	Peak Oil Co./Bay Drum Co.	TBD			14,800,000	2,600,000	
4	FL	FLD980798698	Petroleum Products Corp.	TBD				2,650	
4	FL	FLD980556351	Pickettville Road Landfill	TBD			12,000,000		
4	FL	FLD000824896	Reeves Southeast Galvanizing Corp	PRP			2,600,000		
4	FL	FLD980602882	Sapp Battery Salvage	TBD			19,300,000	1,000,000	
4	FL	FLD045459526	Solitron Microwave	TBD	2,400,000				
4	FL	FL0001209840	Southern Solvents, Inc.		5,000,000				
4	FL	FLD010596013	Stauffer Chemical Co. (Tarpon Springs)	TBD			12,000,000	16,500	
4	FL	FLD004065546	Tower Chemical Co.	TBD	250,000			1,600,000	
4	FL	FLD091471904	Trans Circuits, Inc.		200,000				
4	FL	FLD980602767	Whitehouse Oil Pits	PRP			8,600,000	83,000	
4	FL	FLD049985302	Zellwood Ground Water Contamination	MIXED				2,200,000	
4	GA	GAD981024466	Brunswick Wood Preserving	TBD				8,000,000	
4	GA	GAD008212409	Camilla Wood Preserving Company	TBD				1,600,000	
4	GA	GAD099303182	LCP Chemicals Georgia	TBD				1,200,000	

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4	GA	GAD991275686	Marzone Inc./Chevron Chemical Co.	PRP			19,500,000	376,000	
4	GA	GAD042101261	T.H. Agriculture & Nutrition (Albany)	PRP					
4	GA	GAD003269578	Woolfolk Chemical Works, Inc.	PRP			60,000,000	23,000	
4	KY	KYD980729107	Maxey Flats Nuclear Disposal	PRP				3,200,000	
4	KY	KYD049062375	National Southwire Aluminum Co.	PRP					
4	MS	MSD004006995	American Creosote Works, Inc.					2,600,000	
4	MS	MSD046497012	Davis Timber Company						
4	NC	NCD024644494	ABC One Hour Cleaners	FUND	300,000	300,000	3,000,000	3,300,000	
4	NC	NCD980843346	Aberdeen Pesticide Dumps	PRP				2,200,000	
4	NC	NCSFN0406989	Barber Orchard					4,000,000	
4	NC	NCD981026479	Benfield Industries, Inc.	FUND	100,000	100,000		5,400,000	
4	NC	NCD003188828	Cape Fear Wood Preserving	FUND	750,000	750,000		22,400,000	
4	NC	NCD003188844	Carolina Transformer Co.	FUND	5,100,000	2,000,000	19,600,000	16,000,000	
4	NC	NCD095458527	FCX, Inc. (Statesville Plant)	FUND	200,000	200,000		6,500,000	
4	NC	NCD981475932	FCX, Inc. (Washington Plant)	TBD			3,400,000	3,000,000	
4	NC	NCD991278953	National Starch & Chemical Corp.	PRP					
4	NC	NCD980557656	NC State University(Lot 86,Farm Unit #1)	PRP					
4	NC	NCD981021157	New Hanover Cnty Airport Burn Pit	TBD				55,000	
4	NC	NCD986187128	North Belmont PCE	FUND			5,300,000	5,500,000	
4	SC	SCD058754789	Aqua-Tech Environmental Inc (Groce Labs)	TBD				850,000	
4	SC	SCD980839542	Elmore Waste Disposal	FUND	450,000	450,000		1,800,000	
4	SC	SCD980310239	Koppers Co., Inc. (Charleston Plant)	PRP				10,000	
4	SC	SCD003353026	Koppers Co., Inc. (Florence Plant)	TBD					
4	SC	SCD991279324	Leonard Chemical Co., Inc.	TBD					
4	SC	SCD003360476	Macalloy Corporation						
4	SC	SCD003357589	Shuron Inc	PRP				360,000	
4	TN	TND096070396	Ross Metals Inc	FUND	3,000,000		7,200,000	1,300,000	
			Special Funding-Enforcement Related		50,000	50,000			
4	TN	TND071516959	Tennessee Products	TBD			18,700,000	12,700,000	
4	TN	TND980844781	Wrigley Charcoal Plant	TBD			3,700,000	1,250,000	
				TOTALS	32,850,000	8,400,000			

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TBD = To Be Determined

(2) Estimated total costs include removal and remedial action costs incurred, and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs generally do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

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RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
5	IL	ILD002994259	Amoco Chemicals (Joliet Landfill)	PRP					
5	IL	ILD021440375	Beloit Corp.	TBD					
5	IL	ILD010236230	Byron Salvage Yard	PRP				759,793	
5	IL	ILD062340641	DePue/New Jersey Zinc/Mobil Chem Corp	PRP					
5	IL	ILD042671248	Indian Refinery-Texaco Lawrenceville	PRP					
5	IL	ILT180011975	Interstate Pollution Control, Inc	TBD					
5	IL	ILD006282479	Jennison-Wright Corporation	FUND	12,500,000		12 - 15 M	570,000	
5	IL	ILD980823991	Kerr-McGee (Kress Creek/W Branch DuPag	TBD					
5	IL	ILD980824007	Kerr-McGee (Reed-Keppler Park)	PRP					
5	IL	ILD980824015	Kerr-McGee (Residential Areas)	PRP					
5	IL	ILD980824031	Kerr-McGee (Sewage Treatment Plant)	TBD					
5	IL	ILD980794333	LaSalle Electric Utilities	FUND	0	0		49,114,247	(3)
5	IL	ILD005451711	Lenz Oil Service, Inc.	PRP					
5	IL	ILD980497788	MIG/Dewane Landfill	TBD			30 - 40 M	16,756	
5	IL	ILD980606750	Ottawa Radiation Areas	FUND				29,000,000	
5	IL	ILD000802827	Outboard Marine Corp.	PRP					
5	IL	ILD005252432	Parsons Casket Hardware Co.	FUND	170,000	170,000		4,000,000	
5	IL	ILD981000417	Southeast Rockford Gd Wtr Contamination	MIXED			0 - 15 M	4,350,000	
5	IL	ILD980500102	Yeoman Creek Landfill	PRP					
5	IN	IND016360265	American Chemical Service, Inc.	PRP				19,500	
5	IN	IND005480462	Cam-Or Inc	TBD				793,844	
5	IN	IND000715490	Conrail Rail Yard (Elkhart)	PRP				3,388	
5	IN	IND001213503	Continental Steel Corp.	FUND	10,000,000		60 - 80 M	39,000,000	
5	IN	IND084259951	Envirochem Corp.	PRP				1,195,156	
5	IN	IND980500292	Himco Dump	TBD					
5	IN	IND064703200	Lakeland Disposal Service, Inc.	PRP					
5	IN	IND980794341	Lemon Lane Landfill	PRP				26,833	
5	IN	IND980615421	MIDCO I	PRP				902,658	
5	IN	IND980679559	MIDCO II	PRP				2,343,737	
5	IN	IND980614556	Neal's Landfill (Bloomington)	PRP				1,540	
5	MI	MI0001119106	Aircraft Components (D & L Sales)	FUND	1,500,000		1,500,000	7,000,000	
5	MI	MID006007306	Allied Paper/Portage Ck/Kalamazoo River	TBD				9,970,000	
5	MI	MID017188673	Barrels, Inc.	TBD					
5	MI	MID006030373	Bofors Nobel, Inc.	PRP				16,303,000	

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5	MI	MID006016703	Kaydon Corp.	TBD					
5	MI	MID980506463	K&L Avenue Landfill	PRP				13,488	
5	MI	MID000775957	Michigan Disposal(Cork Street Landfill)	PRP					
5	MI	MID005480900	North Bronson Industrial Area	PRP					
5	MI	MID990858003	Organic Chemicals, Inc.	PRP					
5	MI	MID006028062	Rockwell International Corp. (Allegan)	TBD					
5	MI	MID980794473	Shiawassee River	TBD-PRP					
5	MI	MID069826170	South Macomb Disposal (Landfills 9 & 9A)	TBD					
5	MI	MID079300125	Spartan Chemical Co.	FUND				1,600,000	
5	MI	MID980609341	State Disposal Landfill, Inc.	TBD					
5	MI	MID980794655	Tar Lake	TBD				9,107,074	
5	MI	MID044567162	Thermo-Chem, Inc.	PRP				145,143	
5	MI	MID980901946	Torch Lake	FUND				15,200,000	
5	MI	MID000722439	Velsicol Chemical Corp (Michigan)	MIXED	13,200,000	13,200,000	30 - 60 M	36,100,000	(4)
5	MN	MND982425209	Baytown Township Ground Water Plume	PRP					
5	MN	MND038384004	Freeway Sanitary Landfill	PRP					
5	MN	MND985701309	Fridley Commons Park Well Field	TBD					
5	MN	MND006192694	MacGillis & Gibbs/Bell Lumber & Pole Co.	FUND	300,000	300,000		25,000,000	
5	MN	MND039045430	St. Louis River Site	PRP					
5	MN	MND057597940	St. Regis Paper Co.	PRP					
5	OH	OHD043730217	Allied Chemical & Ironton Coke	PRP					
5	OH	OHD980509657	Buckeye Reclamation	PRP					
5	OH	OHD980614572	Fields Brook	PRP				3,446	
5	OH	OHD000377911	Industrial Excess Landfill	TBD				1,896,887	
5	OH	OHD980610018	Nease Chemical	TBD					
5	OH	OHD980611875	North Sanitary Landfill	TBD					
5	WI	WID039052626	Moss-American(Kerr-McGee Oil Co.)	PRP					
5	WI	WID980996367	Sheboygan Harbor & River	TBD					
5	WI	WID980610307	Tomah Municipal Sanitary Landfill	PRP				0	
				TOTALS	37,670,000	13,670,000			

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes

Notes:

(1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) With regard to PRP-lead sites, we do not have authoritative information on past costs expended by PRPs or future costs planned by PRPs. PRPs are not required to provide this information to EPA.

(3) An original $7 million "SCAP request" was a "contingency" due to a pending court case.

(4) This site was declared construction complete in 1992. Substantial new RA has since been required. The FY 02 original "request" was for the total project amount required. HQ has distributed all necessary funding to Region 5 for FY 02, $13.2 million.

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
6	AR	ARD049658628	Mountain Pine Pressure Treating	FUND				670,000	
6	AR	ARD042755231	Ouachita Nevada Wood Treater	FUND				3,000,000	
6	LA	LAD008187940	Central Wood Preserving Co.	FUND	9,000,000		9,000,000	725,000	
6	LA	LAD072606627	Combustion, Inc.	PRP				0	
6	LA	LAD052510344	Delatte Metals	FUND	14,000,000		14,000,000	4,900,000	
6	LA	LA0000187518	Mallard Bay Landing Bulk Plant	TBD				1,300,000	
6	LA	LAD008473142	Marion Pressure Treating	FUND			22,000,000	470,000	
6	LA	LAD980745533	Old Inger Oil Refinery	FUND			25,300,000	26,200,000	
6	LA	LAD057482713	Petro-Processors of Louisiana Inc	PRP				275	
6	LA	LAD985185107	Ruston Foundry	TBD				33,000	
6	NM	NMD980622864	AT&SF (Albuquerque)	PRP			60,000,000	2,000	
6	NM	NMD986668911	Fruit Avenue Plume	FUND			7,000,000		
6	NM	NM0002271286	Griggs & Walnut Ground Water Plume	TBD					
6	NM	NMD986670156	North Railroad Avenue Plume	FUND			6,000,000		
6	OK	OKD082471988	Hudson Refinery	State	8,500,000			5,800,000	(3)
6	OK	OK0002024099	Imperial Refining Company	TBD					
6	OK	OKD980620868	Mosley Road Sanitary Landfill	PRP			4,000,000		
6	OK	OKD091598870	Oklahoma Refining Co.	FUND			43,000,000	18,300,000	
6	OK	OKD980629844	Tar Creek (Ottawa County)	FUND	5,000,000		25,000,000	63,800,000	
6	OK	OKD987096195	Tulsa Fuel and Manufacturing	TBD					
6	TX	TXD008123168	ALCOA (Point Comfort)/Lavaca Bay	TBD			57,000,000	640	
6	TX	TXD980625453	Brio Refining, Inc.	PRP			80,000,000	45,000	
6	TX	TX0001399435	City of Perryton Well No. 2	FUND	2,000,000	2,000,000	4,000,000	930,000	
6	TX	TXD990707010	Crystal Chemical Co.	PRP			16,000,000	950,000	
6	TX	TXD007330053	Garland Creosoting	FUND				7,800,000	
6	TX	TXD050299577	Hart Creosoting Company	FUND	10,000,000			425,000	
6	TX	TXD008096240	Jasper Creosoting Company Inc	FUND	6,500,000			760,000	
6	TX	TXD980623904	Koppers Co Inc (Texarkana Plant)	PRP			6 - 10 M	5,000,000	
6	TX	TXD980864789	Malone Service Company, Inc.	PRP				3,700,000	
6	TX	TXD008083404	Many Diversified Interests, Inc.	FUND				400,000	
6	TX	TXD980873343	North Cavalcade Street	FUND	250,000	250,000	10,000,000	10,300,000	
6	TX	TXD068104561	Palmer Barge Line	PRP				1,500,000	
6	TX	TXD980873350	Petro-Chemical Systems, (Turtle Bayou)	MIXED			38,000,000	8,500,000	
6	TX	TXD066379645	Rockwool Industries Inc	FUND					

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
6	TX	TXD079348397	RSR Corp.	MIXED			49,000,000	11,500,000	
6	TX	TXD062132147	Sheridan Disposal Services	PRP			28,000,000		
6	TX	TX0001407444	Sprague Road Ground Water Plume	FUND	8,000,000		20,000,000	360,000	
6	TX	TX0001414341	Star Lake Canal	PRP					
6	TX	TXD099801102	State Marine of Port Arthur	TBD				525,000	
6	TX	TXSFN0605177	State Road 114 Ground Water Plume	FUND					
6	TX	TXD062113329	Tex-Tin Corp	PRP			40,000,000	890,000	
6	TX	TXD008056152	Texarkana Wood Preserving Co.	FUND			10,000,000	10,400,000	
				TOTALS	63,250,000	2,250,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Estimated total costs include removal and remedial action costs incurred (including PRP costs where known or estimated), and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

(3) FY02 request is for Non-Time Critical Removal Action

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
7	IA	IAD980969190	Mason City Coal Gasification Plant	PRP					
7	KS	KSD981710247	57th and North Broadway Streets Site	FUND	100,000	100,000	2,810,000	1,400,000	
7	KS	KSD046746731	Ace Services	FUND	5,200,000	5,200,000	8,100,000	6,000,000	
7	KS	KSD031349624	Chemical Commodities, Inc.	PRP					
7	KS	KSD980741862	Cherokee County	MIXED				34,500,000	
7	KS	KSD980631766	Obee Road	PRP					
7	KS	KSD980862726	Strother Field Industrial Park	PRP					
7	KS	KSD984985929	Wright Ground Water Contamination	FUND				1,770,000	
7	MO	MOD046750253	Armour Road	PRP					
7	MO	MOD981126899	Big River Mine Tailings/St. Joe Minerals	PRP					
7	MO	MOD980965982	Missouri Electric Works	MIXED				3,500,000	
7	MO	MOD985798339	Newton County Wells						
7	MO	MOD980686281	Oronogo-Duenweg Mining Belt	FUND				31,000,000	
7	MO	MO0000958835	Pools Prairie	PRP					
7	MO	MOD981720246	Riverfront					0	
7	MO	MOD980633176	St Louis Airport/HIS/Futura Coatings Co.						
7	MO	MOD980968341	Valley Park TCE	PRP					
7	MO	MOD079900932	Westlake Landfill	PRP					
7	NE	NED981713837	10th Street Site	FUND	2,060,000			0	
7	NE	NED981713829	Bruno Co-op Association/Associated Prop	PRP					
7	NE	NED981499312	Cleburn Street Well	PRP			3,000,000	1,690,000	
7	NE	NED980862668	Hastings Ground Water Contamination	MIXED	2,000,000			6,300,000	
7	NE	NE6211890011	Nebraska Ordnance Plant (Former)						
7	NE	NED986369247	Ogallala Ground Water Contamination	FUND				100,000	
			TOTALS		9,360,000	5,300,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
7	IA	IAD980969190	Mason City Coal Gasification Plant	PRP					
7	KS	KSD981710247	57th and North Broadway Streets Site	FUND	100,000	100,000	2,810,000	1,400,000	
7	KS	KSD046746731	Ace Services	FUND	5,200,000	5,200,000	8,100,000	6,000,000	
7	KS	KSD031349624	Chemical Commodities, Inc.	PRP					
7	KS	KSD980741862	Cherokee County	MIXED				34,500,000	
7	KS	KSD980631766	Obee Road	PRP					
7	KS	KSD980862726	Strother Field Industrial Park	PRP					
7	KS	KSD984985929	Wright Ground Water Contamination	FUND				1,770,000	
7	MO	MOD046750253	Armour Road	PRP					
7	MO	MOD981126899	Big River Mine Tailings/St. Joe Minerals	PRP					
7	MO	MOD980965982	Missouri Electric Works	MIXED				3,500,000	
7	MO	MOD985798339	Newton County Wells						
7	MO	MOD980686281	Oronogo-Duenweg Mining Belt	FUND				31,000,000	
7	MO	MO0000958835	Pools Prairie	PRP					
7	MO	MOD981720246	Riverfront					0	
7	MO	MOD980633176	St Louis Airport/HIS/Futura Coatings Co.						
7	MO	MOD980968341	Valley Park TCE	PRP					
7	MO	MOD079900932	Westlake Landfill	PRP					
7	NE	NED981713837	10th Street Site	FUND	2,060,000			0	
7	NE	NED981713829	Bruno Co-op Association/Associated Prop	PRP					
7	NE	NED981499312	Cleburn Street Well	PRP			3,000,000	1,690,000	
7	NE	NED980862668	Hastings Ground Water Contamination	MIXED	2,000,000			6,300,000	
7	NE	NE6211890011	Nebraska Ordnance Plant (Former)						
7	NE	NED986369247	Ogallala Ground Water Contamination	FUND				100,000	
			TOTALS		9,360,000	5,300,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility

TBD = To Be Determined

(2) For mixed and fund lead sites, the EPA costs incurred to date and, where there is a final Record of Decision, estimated total cleanup costs associated with each site are shown. Cleanup costs include Non-Time Critical Removal and remedial action costs incurred (not including PRP costs) and expected removal or remedial action costs where a final Record of Decision or Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction. No cost information is shown for PRP-lead sites.

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
8	CO	COD980717938	California Gulch	MIXED				22,400,000	
8	CO	COD980717557	Central City, Clear Creek	MIXED				18,900,000	
8	CO	COD980716955	Denver Radium Site	MIXED	15,200,000	10,000,000	152,000,000	104,000,000	
8	CO	COD042167858	Lincoln Park	PRP					
8	CO	COD980499248	Lowry Landfill	PRP					
8	CO	COD983778432	Summitville Mine	MIXED			173,000,000	151,300,000	
8	CO	COD007063274	Uravan Uranium Project (Union Carbide)	PRP					
8	CO	CO0002259588	Vasquez Boulevard and I-70	MIXED	7,000,000			1,600,000	
8	MT	MTD093291656	Anaconda Co. Smelter	PRP			90 - 160M		
8	MT	MT6122307485	Barker Hughesville Mining District	FUND					
8	MT	MTD982572562	Basin Mining Area	FUND	3,900,000			5,500,000	
8	MT	MT0001096353	Carpenter Snow Creek Mining District	FUND					
8	MT	MTD006230346	East Helena Site	PRP					
8	MT	MT0007623052	Lockwood Solvent Ground Water Plume	FUND				1,200,000	
8	MT	MTD980717565	Milltown Reservoir Sediments	PRP				600,000	
8	MT	MTD980502777	Silver Bow Creek/Butte Area	PRP					
8	MT	MTSFN7578012	Upper Tenmile Creek Mining Area	FUND	3,500,000		23 - 28M	10,100,000	
8	SD	SDD987673985	Gilt Edge Mine	FUND	13,400,000	5,400,000	37,000,000	21,600,000	
8	UT	UT0001119296	Bountiful/Woods Cross 5th S. PCE Plume						
8	UT	UT0001277359	Intermountain Waste Oil Refinery	FUND				60,000	
8	UT	UTD093120921	International Smelting and Refining	PRP					
8	UT	UT0002391472	Jacobs Smelter	FUND				12,100,000	
8	UT	UTD081834277	Midvale Slag	MIXED				25,000,000	
			TOTALS		43,000,000	15,400,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead

MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Estimated total costs include past removal and remedial action costs incurred and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction. PRP costs are included where they are known or a reasonable estimate could be made.

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
9	AZ	AZD008399263	Apache Powder Co.	PRP			25 - 30 M		
9	AZ	AZD980695969	Indian Bend Wash Area	MIXED	100,000	100,000	140 M	1,140,715	
9	AZ	AZD009004177	Motorola, Inc.(52nd Street Plant)	PRP			100 M		
9	AZ	AZD980695902	Phoenix-Goodyear Airport Area	PRP			75 - 80 M		
9	AZ	AZD980737530	Tucson International Airport Area	MIXED			90 - 110 M	759,158	
9	CA	CAD980358832	Aerojet General Corp.	PRP					
9	CA	CAD098229214	Alark Hard Chrome						
9	CA	CAD052384021	Brown & Bryant, Inc.(Arvin Plant)	TBD			15 - 20 M	7,697,688	
9	CA	CAD020748125	Casmalia Resources				250 - 300 M	10,893,462	
9	CA	CAD063015887	Coast Wood Preserving	PRP			1 M		
9	CA	CAD055753370	Cooper Drum Company						
9	CA	CAD980498455	Crazy Horse Sanitary Landfill	PRP					
9	CA	CAD980636914	Fresno Municipal Sanitary Landfill	PRP			15 - 20 M		
9	CA	CAD980498612	Iron Mountain Mine	MIXED	1,500,000	1,500,000	880 M	36,578,896	
9	CA	CAD009103318	Jasco Chemical Corp.	PRP			800 K - 1.1 M		
9	CA	CAD009112087	Koppers Co., Inc. (Oroville Plant)	PRP			30 - 35 M		
9	CA	CAD983618893	Lava Cap Mine	TBD				505,091	
9	CA	CAD980673685	Leviathan Mine					344,984	
9	CA	CAD009106527	McCormick & Baxter Creosoting Co.	TBD	1,405,000	1,405,000		4,192,245	
9	CA	CAD981997752	Modesto Ground Water Contamination	FUND	368,000	368,000	5 - 7 M	2,371,092	
9	CA	CAD008242711	Montrose Chemical Corp.	TBD				21,357,403	
9	CA	CAD981434517	Newmark Ground Water Contamination	TBD	0	0	50 - 70 M	26,465,859	
9	CA	CAD042245001	Omega Chemical Corporation	TBD					
9	CA	CAT080012024	Operating Industries, Inc., Landfill	PRP			500 - 550 M	13,760,319	
9	CA	CAD980737092	Pemaco Maywood	FUND				817,380	
9	CA	CAD980736151	Purity Oil Sales, Inc.	PRP			40 - 50 M	1,586,541	
9	CA	CAD980894893	San Fernando Valley (Area 1)	PRP			250 - 300 M	5,048,087	
9	CA	CAD980894901	San Fernando Valley (Area 2)	PRP			80 M		
9	CA	CAD980894984	San Fernando Valley (Area 3)	TBD					
9	CA	CAD980894976	San Fernando Valley (Area 4)	TBD					
9	CA	CAD980677355	San Gabriel Valley (Area 1)	TBD	2,400,000	2,378,000		10,536,620	
9	CA	CAD980818512	San Gabriel Valley (Area 2)	PRP			300 M	296	
9	CA	CAD980818579	San Gabriel Valley (Area 3)	TBD					
9	CA	CAD980817985	San Gabriel Valley (Area 4)	TBD			30 - 35 M		

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Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
9	CA	CAD029452141	Selma Treating Co.	FUND			30 M	18,006,660	
9	CA	CAT080012826	Stringfellow	PRP			1 B	41,927,369	
9	CA	CAD980893275	Sulphur Bank Mercury Mine	TBD				5,083,219	
9	CA	CAD009106220	T.H. Agriculture & Nutrition Co.	PRP					
9	CA	CAD981436363	United Heckathorn Co.	PRP					
9	CA	CAD063020143	Valley Wood Preserving, Inc.	PRP			3.5 - 5 M		
9	CA	CAD980884357	Waste Disposal, Inc.	PRP			8 - 10 M	19,036	
9	HI	HID980637631	Del Monte Corp. (Oahu Plantation)	PRP					
9	NV	NVD980813646	Carson River Mercury Site	FUND				3,767,180	
				TOTALS	5,773,000	5,751,000			

Notes (1) FUND = EPA Lead
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MIXED = Shared Lead Responsibility
TBD = To Be Determined

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Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
10	AK	AKD980988158	Arctic Surplus	TBD			336,000	336,000	
10	ID	IDD048340921	Bunker Hill Mining & Metallurgical	MIXED	4,700,000	4,350,000	562,300,000	151,000,000	
10	ID	IDD984666610	Eastern Michaud Flats Contamination	PRP					
10	OR	ORD009020603	McCormick & Baxter Creos. Co. (Portland)	FUND	3,377,000	3,200,000	25,500,000	10,700,000	
10	OR	ORD980988307	Northwest Pipe & Casing/Hall Process Co	FUND	1,600,000	400,000	7,700,000	3,200,000	
10	OR	ORSFN1002155	Portland Harbor	PRP					
10	OR	ORD009412677	Reynolds Metals Company	PRP					
10	OR	ORD009042532	Taylor Lumber and Treating	FUND			17,300,000	2,300,000	
10	OR	ORD050955848	Teledyne Wah Chang	PRP					
10	OR	ORD009049412	Union Pacific Railroad Tie Treatment	PRP					
10	WA	WAD009624453	Boomsnub/Airco	FUND			10,800,000	10,800,000	
10	WA	WAD980726368	Commencement Bay, Near Shore/Tide Flats	PRP				0	
10	WA	WAD053614988	Frontier Hard Chrome, Inc.	FUND	530,000	530,000	4,000,000		
10	WA	WASFN1002174	Hamilton/Labree Roads GW Contamination	TBD			6,809,000	9,000	
10	WA	WAD980722839	Harbor Island (Lead)	PRP					
10	WA	WAD000065508	Kaiser Aluminum Mead Works	PRP					
10	WA	WA0002329803	Lower Duwamish Waterway	PRP					
10	WA	WAD980978753	Midnite Mine	TBD			75,000,000		
10	WA	WAD988466355	Moses Lake Wellfield Contamination	TBD					
10	WA	WAD000641548	North Market Street	PRP					
10	WA	WAD008957243	Oeser Co	TBD			2,200,000	2,200,000	
10	WA	WAD009248287	Pacific Sound Resources	FUND			10,200,000		
10	WA	WAD991281874	Pasco Sanitary Landfill	PRP					
10	WA	WAD009248295	Wyckoff Co./Eagle Harbor	FUND	4,600,000	4,600,000	84,300,000	50,000,000	
10	WA	WAD0000026534	Palermo Well Field Ground Water Contamin	FUND	102,000	102,000		4,800,000	
			TOTALS		14,909,000	13,182,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility

Enclosure 1

Funding Information on all Non-Federal NPL Sites Not Yet Construction Complete

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Region's Estimated Total Cost (2)	Obligated To Date	Notes
10	AK	AKD980988158	Arctic Surplus	TBD			336,000	336,000	
10	ID	IDD048340921	Bunker Hill Mining & Metallurgical	MIXED	4,700,000	4,350,000	562,300,000	151,000,000	
10	ID	IDD984666610	Eastern Michaud Flats Contamination	PRP					
10	OR	ORD009020603	McCormick & Baxter Creos. Co. (Portland)	FUND	3,377,000	3,200,000	25,500,000	10,700,000	
10	OR	ORD980988307	Northwest Pipe & Casing/Hall Process Co	FUND	1,600,000	400,000	7,700,000	3,200,000	
10	OR	ORSFN1002155	Portland Harbor	PRP					
10	OR	ORD009412677	Reynolds Metals Company	PRP					
10	OR	ORD009042532	Taylor Lumber and Treating	FUND			17,300,000	2,300,000	
10	OR	ORD050955848	Teledyne Wah Chang	PRP					
10	OR	ORD009049412	Union Pacific Railroad Tie Treatment	PRP					
10	WA	WAD009624453	Boomsnub/Airco	FUND			10,800,000	10,800,000	
10	WA	WAD980726368	Commencement Bay, Near Shore/Tide Flats	PRP				0	
10	WA	WAD053614988	Frontier Hard Chrome, Inc.	FUND	530,000	530,000	4,000,000		
10	WA	WASFN1002174	Hamilton/Labree Roads GW Contamination	TBD			6,809,000	9,000	
10	WA	WAD980722839	Harbor Island (Lead)	PRP					
10	WA	WAD000065508	Kaiser Aluminum Mead Works	PRP					
10	WA	WA0002329803	Lower Duwamish Waterway	PRP					
10	WA	WAD980978753	Midnite Mine	TBD			75,000,000		
10	WA	WAD988466355	Moses Lake Wellfield Contamination	TBD					
10	WA	WAD000641548	North Market Street	PRP					
10	WA	WAD008957243	Oeser Co	TBD			2,200,000	2,200,000	
10	WA	WAD009248287	Pacific Sound Resources	FUND			10,200,000		
10	WA	WAD991281874	Pasco Sanitary Landfill	PRP					
10	WA	WAD009248295	Wyckoff Co./Eagle Harbor	FUND	4,600,000	4,600,000	84,300,000	50,000,000	
10	WA	WAD0000026534	Palermo Well Field Ground Water Contamin	FUND	102,000	102,000		4,800,000	
				TOTALS	14,909,000	13,182,000			

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility

TBD = To Be Determined

(2) Estimated total costs include removal and remedial action costs incurred by EPA, and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed, or a Proposed Plan issued. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

Enclosure 2

Site Clean-up Funding

Funds for site clean-up activities are budgeted, requested and distributed in three separate categories -- emergency removal, pipeline operations, and remedial action. EPA has used these categories since FY 1999. Its methods for estimating and providing these resources differ and have changed over time. Details on each follow.

Emergency Removal

Headquarters emergency removal funds are distributed to Regions based on past spending, not by site. Site-specific needs can not be estimated until the emergency is identified. If site needs exceed the Region's resources, a request for additional funding is submitted to Headquarters.

Pipeline Operations

For FY 2002, Headquarters distributed funds to Regions based on a Region's prior year allocation and expected workload, not by site. As explained in OSWER Directive # 9200.2-44, FY 2002 Superfund Pipeline Operations Advice of Allowance Allocation Process (Enclosure 5) this approach was used, "because annual resource needs across the country vary based on the number of sites and type of work being conducted, and because allocating finite resources based on future work needs is more appropriate than basing allocations on historical resource use." Past year funding distributions have been based on other workload models and on the average of the prior 3 years funding. The Regions suggested an overall slowdown in the pace of pipeline operations due to limited funding.

Remedial Actions

Funds for remedial action sites are distributed to the Regions based on Headquarters' review of site specific requests. The Regions explained that until FY 2002, on-going remedial actions were fully funded while new start funding was distributed based on site prioritization. For FY 2002, on-going remedial actions were not fully funded, but were funded at amounts determined by Headquarters. New starts funding has been prioritized through the National Risk-Based Priority Panel process since FY 1995.

<u>On-Going Remedial Actions and Long-Term Response Actions</u>

For FY 2002, EPA Headquarters asked the Regions to submit Project Evaluation Forms for on-going remedial actions that need more than $5 million and for long-term response actions that need more than $600,000 in funding for FY 2002. The forms required that Regions specify a minimum funding level and described how changes to project budgets and schedules would affect human health and the environment, cost, and national program priorities. The Regions submitted 17 remedial action and 20 long-term response action forms. The information collected

was then used by Headquarters to prioritize sites to determine how best to distribute funds among the high-cost projects to sustain progress and minimize negative impacts.

EPA Headquarters adopted the following approach for allocating remedial action funding:

- On-going remedial actions needing $5 million or less were funded at the requested levels; those needing more than $5 million were funded at Headquarters-determined levels.

- Long-term response actions needing $600,000 or less were funded at the requested levels; actions needing more than $600,000 were funded at the minimum level in the Project Evaluation Form.

Several Regions suggested that the evaluation process encourages scrutiny of high-cost clean-up actions to identify possible cost saving opportunities.

National Risk-Based Priority Panel Process for New Start Projects

Proposed new start remedial action projects are prioritized by a panel of experts using The National Risk-Based Priority Panel Process (Enclosure 6). Prioritization is based on five criteria -- risks to human population exposed, contaminant stability, contaminant characteristics, threat to a significant environment, and program management considerations. The Panel is comprised of national program experts from Regional offices and Headquarters. Regional experts independently rate proposals from all but their own region, then Headquarters personnel compile the ratings. Once Headquarters determines site funding, the amounts are released to the Region, but not the scores. Generally, Regional officials said their sites receive equitable treatment and the process should be continued

The classification of new starts was recently changed to include projects within a site that are just beginning. For example, a Region may have been working on the water aspect of a Superfund site for several years, but is scheduled to begin work on the soil. The soil component is now considered a new start even though the site has been active for several years. This change was implemented as a means to avoid clean-up disruptions but allow for consideration of phased clean-up during periods of limited funds.

Enclosure 3

Summary of Non-Federal NPL Sites that Need Additional Funding

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Estimated Total Cost (2)	Obligated To Date	Notes
1	MA	MAD001026319	Atlas Tack Corp.	FUND	13,100,000		18,200,000	222,600	
1	MA	MAD980731335	New Bedford Site	FUND	10,000,000	6,500,000	302,000,000	73,869,436	
1	ME	MED980915474	Eastland Woolen Mill		12,000,000	5,000,000	43,000,000	36,023,534	
1	NH	NHD001091453	New Hampshire Plating Co.	FUND	8,600,000		14,800,000	5,821,476	
1	NH	NHD990717647	Ottati & Goss/Kingston Steel Drum	MIXED	8,450,000	8,450,000	25,500,000	19,486,541	
1	VT	VTD988366621	Elizabeth Mine		15,000,000				
2	NJ	NJD980504997	Burnt Fly Bog	FUND	22,000,000		59,000,000	31,000,000	
2	NJ	NJD980484653	Chemical Insecticide Corp.	FUND	28,500,000			8,000,000	
2	NJ	NJD094966611	Combe Fill South Landfill	FUND	1,400,000			47,000,000	
2	NJ	NJ0001900281	Federal Creosote	FUND	33,500,000	31,000,000		55,000,000	
2	NJ	NJD980785646	Glen Ridge Radium Site	FUND	15,000,000	15,000,000		110,000,000	
2	NJ	NJD980654164	Montgomery Twnshp Housing Development	FUND	2,000,000		2,000,000	0	
2	NJ	NJD980654156	Rocky Hill Municipal Well	FUND	2,000,000		2,000,000	0	
2	NJ	NJD073732257	Roebling Steel Co.	FUND	12,000,000	2,400,000		34,000,000	
2	NJ	NJD980654172	U.S. Radium Corp.	FUND	10,000,000	3,000,000		95,000,000	
2	NJ	NJD002385664	Vineland Chemical Co., Inc.	FUND	20,000,000	12,000,000		56,000,000	
2	NJ	NJD986620995	Welsbach & General Gas Mantle (Camden)	FUND	12,000,000	7,000,000		14,000,000	
2	NY	NYD981566417	GCL Tie & Treating Inc.	FUND	4,000,000		30,000,000	18,000,000	
2	NY	NYD986882660	Li Tungsten Corp.	MIXED	1,000,000	1,000,000	35,000,000	9,000,000	
2	NY	NYD986950012	Mohonk Road Industrial Plant	FUND	250,000	250,000	12,000,000	1,000,000	
2	NY	NYD980528657	Olean Well Field	MIXED	1,000,000	1,000,000		2,000,000	
2	NY	NYD980763767	Vestal Water Supply Well 1-1	FUND	1,600,000	1,600,000	8,000,000	7,000,000	
2	VI	VID982272569	Tutu Wellfield	MIXED	8,000,000			0	
3	PA	PAD980691794	Berks Sand Pit		500,000	500,000		7,225,063	
3	PA	PAD002390748	Hellertown Manufacturing Co.		350,000	350,000		3,915,661	
3	PA	PAD980926976	North Penn - Area 6	FUND	1,000,000		5,000,000	5,180,116	
3	VA	VAD980831796	Rhinehart Tire Fire Dump	FUND	16,000		11,000,000	10,650,765	
3	VA	VAD003117389	Saunders Supply		24,000	24,000		15,444,499	
4	FL	FLD008161994	American Creosote Works (Pensacola Plt)	FUND	8,000,000		19,000,000	7,000,000	
4	FL	FLD991279894	Coleman-Evans Wood Preserving Co.	FUND	7,000,000	4,500,000	33,600,000	33,600,000	
4	FL	FLD004119681	Hollingsworth Solderless Terminal		50,000	50,000			
4	FL	FLD045459526	Solitron Microwave	TBD	2,400,000				
4	FL	FL0001209840	Southern Solvents, Inc.		5,000,000				
4	FL	FLD004065546	Tower Chemical Co.	TBD	250,000			1,600,000	
4	FL	FLD091471904	Trans Circuits, Inc.		200,000				
4	NC	NCD024644494	ABC One Hour Cleaners	FUND	300,000	300,000	3,000,000	3,300,000	
4	NC	NCD981026479	Benfield Industries, Inc.	FUND	100,000	100,000		5,400,000	
4	NC	NCD003188828	Cape Fear Wood Preserving	FUND	750,000	750,000		22,400,000	

FINAL NPL NOT CC sum short from TS5.123

Enclosure 3

Summary of Non-Federal NPL Sites that Need Additional Funding

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Estimated Total Cost (2)	Obligated To Date	Notes
4	NC	NCD003188844	Carolina Transformer Co.	FUND	5,100,000	2,000,000	19,600,000	16,000,000	
4	NC	NCD095458527	FCX, Inc. (Statesville Plant)	FUND	200,000	200,000		6,500,000	
4	SC	SCD980839542	Elmore Waste Disposal	FUND	450,000	450,000		1,800,000	
4	TN	TND096070396	Ross Metals Inc	FUND	3,000,000		7,200,000	1,300,000	
			Special Funding-Enforcement Related		50,000	50,000			
5	IL	ILD006282479	Jennison-Wright Corporation	FUND	12,500,000		12 - 15 M	570,000	
5	IL	ILD005252432	Parsons Casket Hardware Co.	FUND	170,000	170,000		4,000,000	
5	IN	IND001213503	Continental Steel Corp.	FUND	10,000,000		60 - 80 M	39,000,000	
5	MI	MI0001119106	Aircraft Components (D & L Sales)	FUND	1,500,000		1,500,000	7,000,000	
5	MI	MID000722439	Velsicol Chemical Corp (Michigan)	MIXED	13,200,000	13,200,000	30 - 60 M	36,100,000	(3)
5	MN	MND006192694	MacGillis & Gibbs/Bell Lumber & Pole Co.	FUND	300,000	300,000		25,000,000	
6	LA	LAD008187940	Central Wood Preserving Co.	FUND	9,000,000		9,000,000	725,000	
6	LA	LAD052510344	Delatte Metals	FUND	14,000,000		14,000,000	4,900,000	
6	OK	OKD082471988	Hudson Refinery	State	8,500,000			5,800,000	(4)
6	OK	OKD980629844	Tar Creek (Ottawa County)	FUND	5,000,000		25,000,000	63,800,000	
6	TX	TX0001399435	City of Perryton Well No. 2	FUND	2,000,000	2,000,000	4,000,000	930,000	
6	TX	TXD050299577	Hart Creosoting Company	FUND	10,000,000			425,000	
6	TX	TXD008096240	Jasper Creosoting Company Inc	FUND	6,500,000			760,000	
6	TX	TXD980873343	North Cavalcade Street	FUND	250,000	250,000	10,000,000	10,300,000	
6	TX	TX0001407444	Sprague Road Ground Water Plume	FUND	8,000,000		20,000,000	360,000	
7	KS	KSD981710247	57th and North Broadway Streets Site	FUND	100,000	100,000	2,810,000	1,400,000	
7	KS	KSD046746731	Ace Services	FUND	5,200,000	5,200,000	8,100,000	6,000,000	
7	NE	NED981713837	10th Street Site	FUND	2,060,000			0	
7	NE	NED980862668	Hastings Ground Water Contamination	MIXED	2,000,000			6,300,000	
8	CO	COD980716955	Denver Radium Site	MIXED	15,200,000	10,000,000	152,000,000	104,000,000	
8	CO	CO0002259588	Vasquez Boulevard and I-70	MIXED	7,000,000			1,600,000	
8	MT	MTD982572562	Basin Mining Area	FUND	3,900,000			5,500,000	
8	MT	MTSFN7578012	Upper Tenmile Creek Mining Area	FUND	3,500,000		23 - 28M	10,100,000	
8	SD	SDD987673985	Gilt Edge Mine	FUND	13,400,000	5,400,000	37,000,000	21,600,000	
9	AZ	AZD980695969	Indian Bend Wash Area	MIXED	100,000	100,000	140 M	1,140,715	
9	CA	CAD980498612	Iron Mountain Mine	MIXED	1,500,000	1,500,000	880 M	36,578,896	
9	CA	CAD009106527	McCormick & Baxter Creosoting Co.	TBD	1,405,000	1,405,000		4,192,245	
9	CA	CAD981997752	Modesto Ground Water Contamination	FUND	368,000	368,000	5 - 7 M	2,371,092	
9	CA	CAD980677355	San Gabriel Valley (Area 1)	TBD	2,400,000	2,378,000		10,536,620	
10	ID	IDD048340921	Bunker Hill Mining & Metallurgical	MIXED	4,700,000	4,350,000	562,300,000	151,000,000	
10	OR	ORD009020603	McCormick & Baxter Creos. Co. (Portland)	FUND	3,377,000	3,200,000	25,500,000	10,700,000	
10	OR	ORD980988307	Northwest Pipe & Casing/Hall Process Co	FUND	1,600,000	400,000	7,700,000	3,200,000	
10	WA	WAD053614988	Frontier Hard Chrome, Inc.	FUND	530,000	530,000	4,000,000		
10	WA	WAD009248295	Wyckoff Co./Eagle Harbor	FUND	4,600,000	4,600,000	84,300,000	50,000,000	

FINAL NPL NOT CC sum short from TS5.123

Enclosure 3

Summary of Non-Federal NPL Sites that Need Additional Funding

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Estimated Total Cost (2)	Obligated To Date	Notes
10	WA	WAD0000026534	Palermo Well Field Ground Water Contamin.	FUND	102,000	102,000		4,800,000	
			TOTALS		450,102,000	159,027,000			

Notes **(1)** FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

(2) Region 1 - Estimated total costs include removal and remedial action costs incurred and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. These projections do not include the cost of work conducted (or to be conducted) by PRPs. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

Region 2 - Estimated total costs for remedial construction activities include both PRP and Fund costs. Total costs represent the best estimates of cost available at this time. These estimates are generally from Records of Decision, which can be inaccurate.

Region 3 - Estimated total costs are for sites with current Remedial Actions or Records of Decision.

Region 4 - Estimated total costs include removal and remedial action costs incurred, and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs generally do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

Region 5 - With regard to PRP-lead sites, we do not have authoritative information on past costs expended by PRPs or future costs planned by PRPs. PRPs are not required to provide this information to EPA.

Region 6 - Estimated total costs include removal and remedial action costs incurred (including PRP costs where known or estimated), and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

Region 7 - For mixed and fund lead sites, the EPA costs incurred to date and, where there is a final Record of Decision, estimated total cleanup costs associated with each site are shown. Cleanup costs include Non-Time Critical Removal and remedial action costs incurred (not including PRP costs) and expected removal or remedial action costs where a final Record of Decision or

Summary of Non-Federal NPL Sites that Need Additional Funding

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Estimated Total Cost (2)	Obligated To Date	Notes

Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction. No cost information is shown for PRP-lead sites.

Region 8 - Estimated total costs include past removal and remedial action costs incurred and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction. PRP costs are included where they are known or a reasonable estimate could be made.

Region 9 - Estimated total costs include removal and remedial action costs incurred (including PRP costs, which are estimated), and expected removal or remedial action costs. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration or payroll.

Region 10 - Estimated total costs include removal and remedial action costs incurred by EPA, and expected removal or remedial action costs where a Record of Decision or Action Memorandum has been signed, or a Proposed Plan issued. Cleanup costs do not include costs associated with investigations, design, oversight, enforcement, administration and payroll, or post-construction.

(3) This site was declared construction complete in 1992. Substantial new RA has since been required. The FY 02 original "request" was for the total project amount required. HQ has distributed all necessary funding to Region 5 for FY 02, $13.2 million.

(4) FY02 request is for Non-Time Critical Removal Action

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MAY 3 2002

OSWER 9275.1-04

MEMORANDUM

SUBJECT: Approach for Allocating FY 2002 Remedial Action Advice of Allowance Resources

FROM: Elaine F. Davies, Acting Director
Office of Emergency and Remedial Response

TO: Superfund National Program Managers, Regions 1 - 10

Purpose

The purpose of this memorandum is to describe the procedures for distributing the resources of the Remedial Action Advice of Allowance during Fiscal Year 2002. These procedures reflect our discussions at the November 6-8, 2001, Superfund National Program Managers meeting. Several action items are also identified.

Background

The Remedial Action Advice of Allowance (RA AOA) will fund the same activities as it has in the past: remedial actions (RAs); long-term response actions (LTRAs); five-year reviews; "enforcement fairness" projects; above-the-base removal actions (i.e., removals with costs that exceed a Region's base removal budget); and redevelopment/reuse projects.

The Office of Emergency and Remedial Response (OERR) has budgeted $224 million to the RA AOA for FY 2002. CERCLIS data as of September 24, 2001, revealed that Regions' estimates of their resource needs for the activities included in the RA AOA are nearly three times the budgeted amount. Moreover, these estimates do not necessarily include the Regions' estimates of their needs for "enforcement fairness" projects.

To best determine how to allocate the RA AOA resources among the Regions, OERR collected additional information on ongoing projects with substantial resource needs. In an October 2, 2001, memorandum from Dottie Pipkin, we requested Regions to submit Project

Evaluation Forms for ongoing Remedial Actions (and above-the-base removals) that need more than $5 million in FY 2002 and for LTRAs that need more than $600,000 in FY 2002. Regions submitted 15 RA forms and 18 LTRA forms (excluding late forms submitted after allocation decisions were made) that described how changes to project budgets and schedules would affect human health and the environment, cost, and national program priorities. We also held followup discussions with Regional staff to better assess the impacts of providing less funding than Regions requested for certain projects. We used this information to determine how best to distribute the limited resources among the high-cost projects to maintain progress and minimize negative impacts.

Based on our review of CERCLIS and evaluation form data and followup discussions with Regions and within Headquarters, we developed an allocation approach for the FY 2002 RA AOA resources. The national program managers and the Assistant Administrator for OSWER discussed and approved this approach during the November 6-8, 2001, meeting.

Approach

As a result of our National Program Managers meeting, OERR has adopted the following methodology for allocating the RA AOA among the Regions this fiscal year.

- Ongoing RAs (and above-the-base removals approved for funding by OERR) that need $5 million or less in FY 2002--fund at requested levels
- LTRAs that need $600,000 or less in FY 2002--fund at requested levels
- Five-year reviews--fund at requested levels
- Ongoing RAs (and above-the-base removals approved for funding by OERR) that need more than $5 million in FY 2002--fund at Headquarters-determined levels
- LTRAs that need more than $600,000 in FY 2002--fund at the minimum-need level specified in the Project Evaluation forms submitted by the Regions
- Redevelopment/reuse projects--fund at Headquarters determined levels
- Enforcement fairness projects--fund at Headquarters determined levels

Furthermore, OSRE is reviewing, in cooperation with the Regions, the 15 high cost, ongoing RAs (and above-the-base removals) to assess the possibility of funding from other sources. I strongly encourage you to continue to work with OSRE to explore other sources of funding for our response activities. Given our current budget constraints, it is more important than ever that Regions continue to maximize opportunities for PRP-lead work. This is true not only for the most expensive ongoing projects, but for all of EPA's response work.

Next Steps

Two attachments are included with this memorandum. The first attachment identifies

- the full-year funding needs requested by the Regions in CERCLIS as of September 24,

W-3.9

2001, for all ongoing RAs (and above-the-base-removals), LTRAs, and five-year reviews,

- OERR's 1st and 2nd quarter funding recommendations,
- the actual 1st and 2nd quarter site-specific distributions, and
- OERR's 3rd and 4th quarter funding recommendations.

This attachment also identifies discrepancies between the recommended funding decision and the actual distribution. Most of these discrepancies are OERR data entry errors. We will make adjustments as needed at mid-year to account for these discrepancies. Footnotes are included in attachment 1 to help clarify questions you may have.

The second attachment lists Regions' funding requests for new start RAs, as reported in CERCLIS as of September 24, 2001. We recognize that some of these new starts, while consistent with the Superfund/Oil Program Implementation Manual (SPIM) definition of a new RA start, are actually components of ongoing RA projects that have been ranked and approved for funding in previous years by the National Risk-Based Priority Panel. As a result, some of these projects should have been eligible for continued funding as ongoing RAs during our initial distribution of resources. While we identified many of these projects and allocated resources to them, a few projects remain unfunded. **By January 25, 2002, please send to Ed Cayous (703-603-8807) a list of those projects from this attachment that should have received, but did not receive, ongoing RA funding as part of our initial distribution of resources.**

The National Risk-Based Priority Panel currently plans to meet on February 6-7, 2002. In preparation for this meeting, Regions will need to provide information for any new projects they want the Panel to rank. We will send out an updated response action priority form in early January. In addition to its usual ranking of new projects, the Panel will also discuss options for different approaches to project management at high-cost, ongoing projects. Regions with high-cost, ongoing RAs should also be prepared to discuss their specific projects. Please contact John J. Smith (703-603-8802) if you have questions regarding this discussion.

At the end of March 2002, we will reconfirm our funding recommendations for 3rd and 4th quarter based on updated CERCLIS data from the Regions. **Please make sure that your actual obligations (and-tasking) data are up to date in CERCLIS by March 7, 2002, as well as any revisions to your 3rd and 4th quarter needs (planned, approved obligations).** We will use these data in conjunction with any follow-up information from the Regions to determine how to allocate any remaining resources that may be available for the RA AOA (e.g., national deobligation pool).

Additionally, we ask that you send to the appropriate Regional Center Director any revisions to your deobligation plans by March 7. To help us gauge when these resources will be available for redistribution from the national pool, **we request that you also provide us with an approximate schedule for implementing the plans.** We advise Regions to deobligate monies early, so that we will have sufficient time to reallocate the national pool resources well before September.

W-3.10

The FY 2002 Superfund appropriation prevents us from allocating $100 million until September 1, 2002. As a result, we will not distribute $60 million of the RA AOA until September 1. Consequently, we will likely have only $15 million available for distribution at the beginning of the 3rd quarter. **We ask that you identify in CERCLIS only your most critical resource needs through September 1 as 3rd quarter needs (i.e., shift most critical July and August needs to 3rd quarter, and move less critical 3rd quarter funding needs to the 4th quarter so we know your priorities).** This information is crucial to enable us to allocate the limited 3rd quarter resources to the projects where they are most needed.

Through this allocation process, our goal has been to provide you assurance regarding the RA AOA resources you should expect to receive in FY 2002. In return, we expect you to use those resources as consistently as possible with the allocation. **If a Region finds it absolutely necessary to shift resources from one project to another, the Region should consult with, and provide written documentation to, the appropriate OERR Regional Center Director.** Any shift of resources among projects will be subject to review during our mid-year allocation process, and may affect 3rd and 4th quarter distributions. If a Region determines that it does not need all the resources it received during 1st and 2nd quarter, those savings should be reflected in your 3rd and 4th quarter funding request.

We are all struggling to shift our management approaches to address the continuing budget constraints that the Superfund program faces. We recognize and appreciate the hard work that you all are undertaking to ensure that cleanups continue, and that Superfund is successful in its mission to protect the public and the environment. We will continue to work with you to find the best solutions to address our funding priorities throughout the year. If you have questions regarding this memorandum, please call me or have your staff call the appropriate OERR Regional Center.

Attachments

cc: Jeff Josephson, Superfund Lead Region Coordinator, Region 2
Barry Breen, OECA, 2271A
Susan Janowiak, OSWER, 5103
Regional Superfund Program Branch Chiefs
Regional Superfund Legal Branch Chiefs
Regional Budget Coordinators
Regional Information Management Coordinators

W-3.11

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 01							
Five-Year Review	UNION CHEMICAL CO., INC.	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	KELLOGG-DEERING WELL FIELD	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	AUBURN ROAD LANDFILL	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	GALLUPS QUARRY	$50,000	$50,000	$0	$0	$0	$50,000
LTRA	SAVAGE MUNICIPAL WATER SUPPLY	$450,000	$450,000	$450,000	$450,000	$0	$0
LTRA	KEARSARGE METALLURGICAL CORP.	$260,000	$260,000	$260,000	$260,000	$0	$0
LTRA	CHARLES-GEORGE RECLAMATION TRUST	$500,000	$500,000	$500,000	$500,000	$0	$0
LTRA	GROVELAND WELLS	$600,000	$600,000	$600,000	$600,000	$0	$0
Remedial Action	NEW BEDFORD	$10,000,000	$6,500,000	$0	$0	$0	$6,500,000
Remedial Action	OTTATI & GOSS/KINGSTON STEEL DRUM	$3,700,000	$3,700,000	$3,700,000	$3,700,000	$0	$0
Removal	EASTLAND WOOLEN MILL	$12,000,000	$5,000,000	$5,000,000	$5,000,000	$0	$0
Summary for 'Region' = 01 (11 detail records)							
Sum		$27,710,000	$17,210,000	$10,510,000	$10,510,000	$0	$6,700,000

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Wednesday, January 02 , 2001

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 02							
LTRA	SOUTH JERSEY CLOTHING CO.	$500,000	$500,000	$0	$0	$0	$500,000
LTRA	GARDEN STATE CLEANERS CO.	$500,000	$500,000	$0	$0	$0	$500,000
LTRA	STANTON CLEANERS AREA GROUND WATER	$1,000,000	$0	$0	$0	$0	$0
LTRA	HIGGINS FARM[1]	$900,000	$900,000	$900,000	$1,200,000	$300,000	$0
LTRA	VESTAL WATER SUPPLY WELL 1-1	$1,500,000	$0	$0	$0	$0	$0
LTRA	VINELAND CHEMICAL CO., INC.	$5,000,000	$4,000,000	$4,000,000	$4,000,000	$0	$0
LTRA	SMS INSTRUMENTS, INC.	$200,000	$200,000	$0	$0	$0	$200,000
LTRA	MOHONK ROAD INDUSTRIAL PLANT	$350,000	$350,000	$0	$0	$0	$350,000
LTRA	CLAREMONT POLYCHEMICAL	$3,920,000	$1,000,000	$1,000,000	$1,000,000	$0	$0
LTRA	BOG CREEK FARM	$1,000,000	$500,000	$0	$0	$0	$500,000
LTRA	AMERICAN THERMOSTAT CO.	$1,500,000	$1,500,000	$0	$0	$0	$1,500,000
LTRA	BREWSTER WELLFIELD	$0	$850,000	$850,000	$850,000	$0	$0
LTRA	LANG PROPERTY[2]	$1,300,000	$0	$0	$1,300,000	$1,300,000	$0

[1] OERR allocated the full amount, instead of the minium need requested in the LTRA form submitted by the Region.

[2] OERR allocated the amount requested in CERCLIS instead of the minium need requested in the LTRA form submitted by the Region.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Remedial Action	FEDERAL CREOSOTE[3]	$20,000,000	$31,000,000	$21,000,000	$21,000,000	$0	$10,000,000
Remedial Action	VINELAND CHEMICAL CO., INC.	$20,000,000	$12,000,000	$12,000,000	$12,000,000	$0	$0
Remedial Action	VESTAL WATER SUPPLY WELL 1-1	$1,600,000	$1,600,000	$1,600,000	$1,600,000	$0	$0
Remedial Action	U.S. RADIUM CORP.	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$0	$0
Remedial Action	MOHONK ROAD INDUSTRIAL PLANT	$250,000	$250,000	$0	$0	$0	$250,000
Remedial Action	LI TUNGSTEN CORP.	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$0	$0
Remedial Action	GLEN RIDGE RADIUM SITE	$15,000,000	$15,000,000	$0	$0	$0	$15,000,000
Remedial Action	WELSBACH & GENERAL GAS MANTLE	$20,000,000	$7,000,000	$7,000,000	$7,000,000	$0	$0
Remedial Action	U.S. RADIUM CORP.	$10,000,000	$0	$0	$0	$0	$0
Remedial Action	ROEBLING STEEL CO.	$12,000,000	$0	$0	$0	$0	$0
Remedial Action	IMPERIAL OIL CO., INC./CHAMPION CHEMICALS	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$0	$0
Summary for 'Region' = 02 (24 detail records)							
Sum		$121,520,000	$82,150,000	$53,350,000	$54,950,000	$1,600,000	$28,800,000

[3] $20M requested in CERCLIS should have included $13.5M more identified as new start. $31M allocated.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 03							
Five-Year Review	ENTERPRISE AVENUE	$40,000	$40,000	$40,000	$40,000	$0	$0
Five-Year Review	INDUSTRIAL LANE	$35,000	$35,000	$35,000	$35,000	$0	$0
Five-Year Review	TYLER REFRIGERATION PIT	$10,000	$10,000	$0	$0	$0	$10,000
Five-Year Review	SALTVILLE WASTE DISPOSAL PONDS	$40,000	$40,000	$0	$0	$0	$40,000
Five-Year Review	SAEGERTOWN INDUSTRIAL AREA	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	MIDDLETOWN ROAD DUMP	$30,000	$30,000	$30,000	$30,000	$0	$0
Five-Year Review	AVTEX FIBERS, INC.	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	EAST MOUNT ZION	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	AVCO LYCOMING (WILLIAMSPORT DIVISION)	$50,000	$50,000	$50,000	$50,000	$0	$0
Five-Year Review	AMBLER ASBESTOS PILES	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	ABEX CORP.	$50,000	$50,000	$50,000	$50,000	$0	$0
LTRA	HAVERTOWN PCP[4]	$1,100,000	$600,000	$600,000	$0	($600,000)	$0
LTRA	HELLERTOWN MANUFACTURING CO.	$60,000	$60,000	$0	$0	$0	$60,000
LTRA	GREENWOOD CHEMICAL CO.	$350,000	$350,000	$0	$0		$350,000
LTRA	CRYOCHEM, INC.	$250,000	$250,000	$250,000	$250,000		$0

[4] OERR data entry error.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2ud Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
LTRA	CROYDON TCE	$200,000	$200,000	$0	$0	$0	$200,000
Remedial Action	HELLERTOWN MANUFACTURING CO.	$350,000	$350,000	$350,000	$350,000	$0	$0
Remedial Action	RAYMARK	$50,000	$50,000	$50,000	$50,000	$0	$0
Remedial Action	SAUNDERS SUPPLY CO.	$24,000	$24,000	$0	$0	$0	$24,000
Remedial Action	BERKS SAND PIT	$500,000	$500,000	$500,000	$500,000	$0	$0
Summary for 'Region' = 03 (20 detail records)							
Sum		$3,239,000	$2,739,000	$2,005,000	$1,405,000	($600,000)	$734,000

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 04							
Five-Year Review	MATHES BROTHERS LANDFILL (SOUTH MARBLE TOP ROAD)	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	PIPER AIRCRAFT CORP./VERO BEACH WATER & SEWER	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	PEPPER STEEL & ALLOYS, INC.	$50,000	$50,000	$50,000	$50,000	$0	$0
Five-Year Review	PALMETTO WOOD PRESERVING	$50,000	$50,000	$50,000	$50,000	$0	$0
Five-Year Review	NEWPORT DUMP	$30,000	$30,000	$30,000	$30,000	$0	$0
Five-Year Review	T.H. AGRICULTURE & NUTRITION CO. (ALBANY	$20,000	$20,000	$0	$0	$0	$20,000
Five-Year Review	MIAMI DRUM SERVICES	$50,000	$50,000	$50,000	$50,000	$0	$0
Five-Year Review	FORT HARTFORD COAL CO. STONE QUARRY	$22,000	$22,000	$22,000	$22,000	$0	$0
Five-Year Review	CHEVRON CHEMICAL CO. (ORTHO DIVISION)	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	BRANTLEY LANDFILL	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	ARLINGTON BLENDING & PACKAGING	$50,000	$50,000	$50,000	$50,000	$0	$0
Five-Year Review	JADCO-HUGHES FACILITY	$5,000	$5,000	$5,000	$5,000	$0	$0
Five-Year Review	NATIONAL ELECTRIC COIL CO./COOPER INDUSTRIES	$50,000	$50,000	$0	$0	$0	$50,000
LTRA	BENFIELD INDUSTRIES, INC.	$500,000	$500,000	$0	$0	$0	$500,000
LTRA	ELMORE WASTE DISPOSAL	$150,000	$150,000	$150,000	$150,000	$0	$0
LTRA	POTTER'S SEPTIC TANK SERVICE PITS	$300,000	$300,000	$300,000	$300,000	$0	$0

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
OM[5]	PALMETTO WOOD PRESERVING	$150,000	$0	$0	$150,000	$150,000	$0
Remedial Action	ABC ONE HOUR CLEANERS	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$0	$0
Remedial Action	FCX, INC. (STATESVILLE PLANT)	$200,000	$200,000	$0	$0	$0	$200,000
Remedial Action	ELMORE WASTE DISPOSAL	$600,000	$600,000	$0	$0	$0	$600,000
Remedial Action	COLEMAN-EVANS WOOD PRESERVING CO.	$4,500,000	$4,500,000	$4,500,000	$4,500,000	$0	$0
Remedial Action	CAROLINA TRANSFORMER CO.	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$0	$0
Remedial Action	BENFIELD INDUSTRIES, INC.	$100,000	$100,000	$100,000	$100,000	$0	$0
Remedial Action	CAPE FEAR WOOD PRESERVING	$750,000	$750,000	$750,000	$750,000	$0	$0
Summary for 'Region' = 04 (24 detail records)							
Sum		$10,727,000	$10,577,000	$9,082,000	$9,232,000	$150,000	$1,495,000

[5] OERR did not consider CERCLIS request for OM (operation and maintenance) funding in its original RA resource allocation.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 05							
Five-Year Review	FULTZ LANDFILL	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	ALSCO ANACONDA	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	ARROWHEAD REFINERY CO.	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	AUTO ION CHEMICALS, INC.	$100,000	$100,000	$0	$0	$0	$100,000
Five-Year Review	BENDIX CORP./ALLIED AUTOMOTIVE	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	FOREST WASTE PRODUCTS	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	ROTO-FINISH CO., INC.	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	VELSICOL CHEMICAL CORP. (MICHIGAN)	$400,000	$400,000	$400,000	$400,000	$0	$0
Five-Year Review	UNIVERSITY OF MINNESOTA (ROSEMOUNT RESEARCH	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	STOUGHTON CITY LANDFILL	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	ST. LOUIS RIVER SITE	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	ENVIROCHEM CORP.	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	SANITARY LANDFILL CO. (INDUSTRIAL WASTE	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	REPUBLIC STEEL CORP. QUARRY	$150,000	$150,000	$150,000	$150,000	$0	$0
Five-Year Review	POWELL ROAD LANDFILL	$25,000	$25,000	$25,000	$25,000	$0	$0

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ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Five-Year Review	PAGEL'S PIT	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	OTT/STORY/CORDOVA CHEMICAL CO.	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	OAK GROVE SANITARY LANDFILL	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	MUSKEGON CHEMICAL CO.	$50,000	$50,000	$0	$0	$0	$50,000
Five-Year Review	LIQUID DISPOSAL, INC.	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	LAUER I SANITARY LANDFILL	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	GRATIOT COUNTY LANDFILL	$20,000	$20,000	$0	$0	$0	$20,000
Five-Year Review	SOUTHWEST OTTAWA COUNTY LANDFILL	$80,000	$80,000	$0	$0	$0	$80,000
GM [6]	HI-MILL MANUFACTURING CO.	$300,000	$0	$0	$0	$0	$0
LTRA	MACGILLIS & GIBBS CO./BELL LUMBER & POLE CO.	$1,100,000	$500,000	$500,000	$500,000	$0	$0
LTRA	U.S. AVIEX[7]	$750,000	$120,000	$120,000	$100,000	($20 000)	$0
LTRA	PENTA WOOD PRODUCTS[8]	$1,300,000	$600,000	$600,000	$1,300,000	$700,000	$0
LTRA	PEERLESS PLATING CO.	$300,000	$300,000	$100,000	$100,000	$0	$200,000

[6] OERR did not consider CERCLIS requests for GM (post-ROD groundwater monitoring) funding in its original RA resource allocation.

[7] OERR data entry error.

[8] OERR allocated the amount requested in CERCLIS instead of the minimum need requested in the LTRA form submitted by theRegion.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
LTRA	AIRCRAFT COMPONENTS (D & L SALES)	$1,500,000	$0	$0	$0	$0	$0
LTRA	LONG PRAIRIE GROUND WATER CONTAMINATION	$450,000	$450,000	$100,000	$100,000	$0	$350,000
LTRA	DOUGLASS ROAD/UNIROYAL, INC., LANDFILL	$200,000	$200,000	$200,000	$200,000	$0	$0
LTRA	OTT/STORY/CORDOVA CHEMICAL CO.	$3,000,000	$2,500,000	$0	$0	$0	$2,500,000
LTRA	ONALASKA MUNICIPAL LANDFILL	$200,000	$200,000	$200,000	$200,000	$0	$0
Remedial Action	PARSONS CASKET HARDWARE CO.	$166,961	$166,961	$166,961	$166,961	$0	$0
Remedial Action	VELSICOL CHEMICAL CORP. (MICHIGAN)	$28,849,000	$13,200,000	$8,000,000	$8,000,000	$0	$5,200,000
Remedial Action	U.S. AVIEX	$450,000	$450,000	$0	$0	$0	$450,000
Remedial Action	PEERLESS PLATING CO.	$10,000	$10,000	$0	$0	$0	$10,000
Remedial Action	OTT/STORY/CORDOVA CHEMICAL CO.	$20,000	$20,000	$20,000	$20,000	$0	$0
Remedial Action	MACGILLIS & GIBBS CO./BELL LUMBER & POLE CO.	$300,000	$300,000	$300,000	$300,000	$0	$0
Remedial Action	LOWER ECORSE CREEK DUMP	$5,000	$5,000	$5,000	$5,000	$0	$0
Remedial Action	LASALLE ELECTRIC UTILITIES	$7,000,000	$0	$0	$0	$0	$0
Remedial Action	DUELL & GARDNER LANDFILL	$40,000	$40,000	$0	$0	$0	$40,000
Remedial Action	PETOSKEY MUNICIPAL WELL FIELD	$237,000	$237,000	$0	$0	$0	$237,000
Summary for 'Region' = 05 (43 detail records)							
Sum		$47,427,961	$20,548,961	$11,111,961	$11,791,961	$680,000	$9,437,000

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 06							
Five-Year Review	AGRICULTURE STREET LANDFILL	$40,000	$40,000	$40,000	$40,000	$0	$0
Five-Year Review	BAYOU SORREL	$40,000	$40,000	$0	$0	$0	$40,000
Five-Year Review	OKLAHOMA REFINING CO.	$40,000	$40,000	$40,000	$40,000	$0	$0
Five-Year Review	PESSES CHEMICAL CO.	$40,000	$40,000	$40,000	$40,000	$0	$0
LTRA	FOURTH STREET ABANDONED REFINERY	$162,500	$162,500	$162,500	$162,500	$0	$0
LTRA	AMERICAN CREOSOTE	$0	$625,000	$0	$0	$0	$625,000
LTRA	NORTH CAVALCADE STREET	$250,000	$250,000	$250,000	$250,000	$0	$0
LTRA	CIMARRON MINING CORP.	$150,000	$150,000	$0	$0	$0	$150,000
LTRA	DOUBLE EAGLE REFINERY CO.	$162,500	$162,500	$162,500	$162,500	$0	$0
OF[9]	UNITED CREOSOTING CO.	$50,000	$0	$0	$50,000	$50,000	$0
Remedial Action	MIDLAND PRODUCTS	$300,000	$300,000	$0	$0	$0	$300,000
Remedial Action	TAR CREEK (OTTAWA COUNTY)	$10,000,000	$0	$0	$0	$0	$0
Remedial Action	CITY OF PERRYTON WELL NO. 2	$2,000,000	$2,000,000	$0	$0	$0	$2,000,000
TBD[10]	TBD	$0	$0	$0	$255,000	$255,000	$0

[9] OERR did not consider CERCLIS request for OF (operational and functional) funding in its original RA resource allocation.

[10] The EPA Office of the Chief Financial Officer allocated $1 million to this Region under a continuing resolution before the FY 2002 appropriation bill was enacted, $255,000 more than requested by the Region for 1st and 2nd quarter FY 2002.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Summary for 'Region' = 06 (14 detail records)						
Sum	$13,235,000	$3,810,000	$695,000	$1,000,000	$305,000	$3,115,000

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Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 07							
Five-Year Review	NORTHWESTERN STATES PORTLAND CEMENT CO.	$30,000	$30,000	$30,000	$30,000	$0	$0
Five-Year Review	RED OAK CITY LANDFILL	$35,000	$35,000	$35,000	$35,000	$0	$0
Five-Year Review	LINDSAY MANUFACTURING CO.	$20,000	$20,000	$0	$0	$0	$20,000
Five-Year Review	JOHNS' SLUDGE POND	$25,000	$25,000	$25,000	$25,000	$0	$0
Five-Year Review	E.I. DU PONT DE NEMOURS & CO., INC. (COUNTY ROAD X23)	$30,000	$30,000	$30,000	$30,000	$0	$0
Five-Year Review	DES MOINES TCE	$25,000	$25,000	$0	$0	$0	$25,000
Five-Year Review	SYNTEX FACILITY	$35,000	$35,000	$35,000	$35,000	$0	$0
LTRA	ACE SERVICES	$2,100,000	$200,000	$0	$0	$0	$200,000
LTRA	57TH AND NORTH BROADWAY STREETS SITE	$100,000	$100,000	$100,000	$100,000	$0	$0
Remedial Action	ACE SERVICES	$5,200,000	$5,200,000	$1,000,000	$1,000,000	$0	$4,200,000
Summary for 'Region' = 07 (10 detail records)							
Sum		$7,600,000	$5,700,000	$1,255,000	$1,255,000	$0	$4,445,000

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

W-3.24

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Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 08							
LTRA	SUMMITVILLE MINE[11]	$3,200,000	$2,800,000	$2,800,000	$3,200,000	$400,000	$0
LTRA	CENTRAL CITY, CLEAR CREEK	$1,100,000	$1,100,000	$1,100,000	$1,100,000	$0	$0
LTRA	CHEMICAL SALES CO.	$800,000	$800,000	$800,000	$800,000	$0	$0
Remedial Action	GILT EDGE MINE[12]	$10,000,000	$5,200,000	$5,200,000	$5,200,000	$0	$0
Remedial Action	DENVER RADIUM SITE	$15,180,000	$10,000,000	$5,000,000	$5,060,000	$60,000	$5,000,000
Remedial Action	GILT EDGE MINE	$13,400,000	$0	$0	$0	$0	$0
Removal	LIBBY ASBESTOS SITE[13]	$39,000,000	$24,000,000	$12,000,000	$6,000,000	($6,000,000)	$12,000,000
Summary for 'Region' = 08 (7 detail records)							
Sum		$82,680,000	$43,900,000	$26,900,000	$21,360,000	($5,540,000)	$17,000,000

[11] OERR allocated the amount requested in CERCLIS instead of the minimum need requested in the LTRA form submitted by the Region.

[12] OERR data entry error.

[13] OERR data entry error.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

Remedial Action Funding Approach for FY2002

ACTIVITY	Site Name/NSI	CERCLIS (9/24/01)	Full Year HQ Recommendation	1st & 2nd Qtr Recommended Distribution	1st & 2nd Qtr Actual Dist	1st & 2nd Qtr Dist. Discrepancies	3rd & 4th Qtr Draft Dist.
Region 09							
Five-Year Review	FRESNO MUNICIPAL SANITARY LANDFILL[14]	$35,000	$35,000	$0	$35,000	$35,000	$35,000
Five-Year Review	APACHE POWDER CO.	$35,000	$35,000	$35,000	$35,000	$0	$0
Five-Year Review	OPERATING INDUSTRIES, INC., LANDFILL	$35,000	$35,000	$35,000	$35,000	$0	$0
LTRA	IRON MOUNTAIN MINE	$100,000	$100,000	$0	$0	$0	$100,000
LTRA	NEWMARK GROUND WATER CONTAMINATION	$906,000	$750,000	$0	$0	$0	$750,000
Remedial Action	MODESTO GROUND WATER CONTAMINATION	$510,000	$510,000	$0	$0	$0	$510,000
Remedial Action	NEWMARK GROUND WATER CONTAMINATION	$2,081,000	$2,081,000	$2,081,000	$2,081,000	$0	$0
Remedial Action	SAN GABRIEL VALLEY (AREA 1)	$2,400,000	$2,400,000	$1,800,000	$1,800,000	$0	$600,000
Remedial Action	MCCORMICK & BAXTER CREOSOTING CO.	$950,000	$950,000	$950,000	$950,000	$0	$0
Remedial Action	LORENTZ BARREL & DRUM CO.	$300,000	$300,000	$300,000	$300,000	$0	$0
Remedial Action	IRON MOUNTAIN MINE	$1,500,000	$1,500,000	$1,500,000	$1,500,000	$0	$0
Summary for 'Region' = 09 (11 detail records)							
Sum		$8,852,000	$8,696,000	$6,701,000	$6,736,000	$35,000	$1,995,000

[14] 3rd quarter need distributed early.

Activities with 1st and 2nd quarter discrepancies will be resolved during 3rd and 4th quarter resource allocation.

FY 2002 Planned Approved Obligations for New RA (and Removal) Starts in the RA AOA (CERCLIS 09/24/2001)

	Activity	Site Name/NSI Comment	OU	Regional FY 2002 Request
Region	*01*			
	Remedial Action	ATLAS TACK CORP.	01	$13,100,000
	Remedial Action	NEW HAMPSHIRE PLATING CO.	01	$8,600,000
	Removal	ELIZABETH MINE	00	$15,000,000
Summary for 'Region' = 01 (3 detail records)				
Sum				*$36,700,000*
Region	*02*			
	Remedial Action	ROEBLING STEEL CO.	03	$12,000,000
	Remedial Action	MONTGOMERY TOWNSHIP HOUSING DEVELOPMENT	02	$2,000,000
	Remedial Action	BURNT FLY BOG	03	$22,000,000
	Remedial Action	CHEMICAL INSECTICIDE CORP.	02	$28,500,000
	Remedial Action	WELSBACH & GENERAL GAS MANTLE (CAMDEN RADIATION)	01	$20,000,000
	Remedial Action	ROCKY HILL MUNICIPAL WELL	02	$2,000,000
	Remedial Action	GCL TIE AND TREATING INC.	02	$4,000,000
	Remedial Action	TUTU WELLFIELD	01	$8,000,000
	Remedial Action	FEDERAL CREOSOTE	02	$6,000,000
Summary for 'Region' = 02 (9 detail records)				
Sum				*$104,500,000*
Region	*03*			
	Remedial Action	NORTH PENN - AREA 6	03	$1,000,000
	Remedial Action	RHINEHART TIRE FIRE DUMP	03	$16,000
Summary for 'Region' = 03 (2 detail records)				
Sum				*$1,016,000*
Region	*04*			
	Remedial Action	SOLITRON MICROWAVE	01	$4,000,000
	Remedial Action	SOUTHERN SOLVENTS, INC.	01	$5,000,000
	Remedial Action	TOWER CHEMICAL CO.	02	$300,000
	Remedial Action	TRANS CIRCUITS, INC.	01	$200,000
	Remedial Action	AMERICAN CREOSOTE WORKS, INC. (PENSACOLA PLANT)	01	$8,000,000
	Remedial Action	ROSS METALS INC.	01	$7,400,000
Summary for 'Region' = 04 (6 detail records)				
Sum				*$24,900,000*

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	Activity	Site Name/NSI Comment	OU	Regional FY 2002 Request
Region	*05*			
	Remedial Action	CIRCLE SMELTING CORP.	01	$100,000
	Remedial Action	CONTINENTAL STEEL CORP.	01	$30,250,000
	Remedial Action	JENNISON-WRIGHT CORPORATION	01	$12,500,000
	Remedial Action	PARSONS CHEMICAL WORKS, INC.	01	$330,000
	Remedial Action	SHIAWASSEE RIVER	01	$14,000,000
	Remedial Action	SPARTAN CHEMICAL CO.	02	$3,000,000
	Remedial Action	AIRCRAFT COMPONENTS (D & L SALES)	01	$5,000,000
Summary for 'Region' = 05 (7 detail records)				
Sum				*$65,180,000*
Region	*07*			
	OF	HASTINGS GROUND WATER CONTAMIN	20	$1,000,000
	Remedial Action	ACE SERVICES	02	$5,200,000
	Remedial Action	10TH STREET SITE	02	$2,060,000
	Remedial Action	HASTINGS GROUND WATER CONTAMIN	20	$2,000,000
Summary for 'Region' = 07 (4 detail records)				
Sum				*$10,260,000*
Region	*08*			
	Remedial Action	BASIN MINING AREA	01	$3,900,000
	Remedial Action	DAVENPORT AND FLAGSTAFF SMELTERS	01	$5,000,000
	Remedial Action	VASQUEZ BOULEVARD AND I-70	01	$7,000,000
	Remedial Action	GILT EDGE MINE	03	$13,400,000
	Remedial Action	UPPER TENMILE CREEK MINING AREA	04	$6,000,000
	Remedial Action	CENTRAL CITY, CLEAR CREEK	02	$500,000
	Remedial Action	EUREKA MILLS	01	$15,000,000
Summary for 'Region' = 08 (7 detail records)				
Sum				*$50,800,000*
Region	*09*			
	Removal	LAVA CAP MINE	00	$5,000,000
Summary for 'Region' = 09 (1 detail record)				
Sum				*$5,000,000*

W-3.28

	Activity	Site Name/NSI Comment	OU	Regional FY 2002 Request
Region	*10*			
	Remedial Action $1,600,000	NORTHWEST PIPE & CASING/HALL PROCESS COMPANY		02
	Remedial Action	BUNKER HILL MINING & METALLURGICAL COMPLEX	01	$1,500,000
	Remedial Action	FRONTIER HARD CHROME, INC.	01	$4,000,000
	Remedial Action	BUNKER HILL MINING & METALLURGICAL COMPLEX	04	$11,000,000
	Remedial Action	BUNKER HILL MINING & METALLURGICAL COMPLEX	03	$25,000,000
	Remedial Action	MCCORMICK & BAXTER CREOSOTING CO. (PORTLAND PLANT)	03	$2,000,000
	Removal	HAMILTON/LABREE ROADS GW CONTAMINATION	01	$1,200,000
Summary for 'Region' = 10 (7 detail records)				
Sum				*$46,300,000*
Grand Total				*$344,656,000*

W - 3.29

FY 2002 Proposed New Start Remedial Actions
***(Indicate Sites Planned as Removal Action)**
2/12/02

Region	State	Site Name
1	MA	Atlas Tack Phase 1 (Bldg & Soils)
	MA	Atlas Tack Phase 2 (Wetlands)
	VT	Elizabeth Mine Phase II*
1	VT	Elizabeth Mine Phase I*
	MA	Nuclear Metals*
2	NJ	Burnt Fly Bog
2	NJ	Chem Insecticide Corp.
2	NJ	Montgomery Township MTHD
2	NJ	Roebling Steel
2	VI	Tutu Wellfield
4	FL	American Creosote
4	Fl	Solitron
4	FL	Southern Solvents
4	Fl	Tower Chemical
5	MI	Aircraft Components Inc (Benton Harbor)
5	IN	Continental Steel
5	IL	Jennison Wright
6	LA	Central Wood Preserving
6	LA	Delatte Metals
6	TX	Hart Creosoting*
6	OK	Hudson Oil Refining*
6	TX	Jasper Creosoting*
6	TX	RSR Corp
6	TX	Sprague Road
7	NE	10th Street Site
8	UT	Davenport & Flagstaff Smelters
8	UT	Eureka Mills
8	MT	Town of Basin
8	MT	Upper Ten Mile Creek
8	CO	Vasquez Blvd/I-70
10	ID	Bunker Hill Coeur d'Alene Basin

W-3.30

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
1	MA	MAD003809266	Charles-George Reclamation Trust Landfill				
1	MA	MAD980732317	Groveland Wells				
1	NH	NHD062002001	Kearsarge Metallurgical Corporation		350,000	350,000	
1	NH	NHD980671002	Savage Municipal Water Supply	MIXED	450,000	450,000	
			TOTALS		800,000	800,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
2	NJ	NJD063157150	Bog Creek Farm	FUND	1,000,000	500,000	
2	NJ	NJD980529085	Ellis Property	FUND	3,000,000		
2	NJ	NJD053280160	Garden State Cleaners	FUND	500,000	500,000	
2	NJ	NJD981490261	Higgins Farm	FUND	1,200,000	1,200,000	
2	NJ	NJD908505382	Lang Property	FUND	1,300,000	1,300,000	
2	NJ	NJD980766828	South Jersey Clothing Co.	FUND	500,000	500,000	
2	NJ	NJD002385664	Vineland Chemical Co., Inc.	FUND	4,000,000	4,000,000	
2	NY	NYD002066330	American Thermostat Co.	FUND	1,500,000	1,500,000	
2	NY	NYD980652275	Brewster Wellfield	FUND	850,000	850,000	
2	NY	NYD002044584	Claremont Polychemical	FUND	3,900,000	1,000,000	
2	NY	NYD986950012	Mohonk Road Industrial Plant	FUND	350,000	350,000	
2	NY	NYD001533165	SMS Instruments, Inc.	FUND	200,000	200,000	
2	NY	NYD047650197	Stanton Cleaners Area Ground Water Cont.	FUND	480,000		
2	NY	NYD980763767	Vestal Water Supply Well 1-1	FUND	1,500,000		
			TOTALS		20,280,000	11,900,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
3	PA	PAD981035009	Croyden TCE		200,000	200,000	
3	PA	PAD002360444	Cryochem, Inc.		250,000	250,000	
3	PA	PAD002338010	Havertown PCP	FUND	600,000	600,000	
3	PA	PAD002390748	Hellertown Manufacturing Co.		60,000	60,000	
3	VA	VAD003125374	Greenwood Chemical Co.	FUND	350,000	350,000	
			TOTALS		1,460,000	1,460,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
4	SC	SCD980839542	Elmore Waste Disposal	FUND	150,000	150,000	
4	SC	SCD003362217	Palmetto Wood Preserving	FUND	150,000	150,000	
			TOTALS		300,000	300,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
5	MI	MID980504716	Duell & Gardner	FUND	40,000	40,000	
5	MI	MID985574227	Lower Ecorse Creek Dump	FUND	5,000	5,000	
5	MI	MID060174240	Ott/Story/Cordova Chemical Co.	FUND	3,000,000	2,500,000	
5	MI	MID006031348	Peerless Plating Co	FUND	300,000	300,000	
5	MI	MID006013049	Petoskey Municipal Well Field	FUND	237,000	237,000	
5	MI	MID980794556	US Aviex	FUND	750,000	120,000	
5	MN	MND980904072	Long Prairie Groundwater Contamination	FUND	450,000	450,000	
5	MN	MND006192694	MacGillis & Gibbs/Bell Lumber & Pole Co.	FUND	1,100,000	500,000	
5	WI	WID980821656	Onalaska Municipal Landfill	FUND	200,000	200,000	
5	WI	WID0006176945	Penta Wood Products	FUND	1,300,000	1,300,000	
			TOTALS		7,342,000	5,612,000	

Notes: (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
6	LA	LAD000239814	American Creosote	FUND	625,000	625,000	
6	NM	NMD980749378	Cimarron Mining Corp.	FUND	150,000	150,000	
6	OK	OKD007188717	Double Eagle Refinery Co.	FUND	162,500	162,500	
6	OK	OKD980696470	Fourth Street Abandoned Refinery	FUND	162,500	162,500	
6	TX	TXD980873343	North Cavalcade Street	FUND	250,000	250,000	
				TOTALS	1,350,000	1,350,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
7	KS	KSD046746731	Ace Services	FUND	200,000	200,000	
			TOTALS		200,000	200,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
8	CO	COD980717557	Central City/Clear Creek	FUND	1,100,000	1,100,000	
8	CO	COD007431620	Chemical Sales	FUND	800,000	800,000	
8	CO	COD983778432	Summitville Mine	MIXED	3,200,000	3,200,000	
8	SD	SDD987673985	Gilt Edge Mine	FUND	7,600,000	5,200,000	
			TOTALS		12,700,000	10,300,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
9	CA	CAD071530380	Frontier Fertilizer	FUND	500,000	0	
9	CA	CAD029295706	Lorentz Barrel & Drum Co.		0	0	
9	CA	CAD981434517	Newmark Ground Water Contamination	TBD	750,000	750,000	
			TOTALS		1,250,000	750,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Enclosure 5

Final NPL Sites with Long Term Response Actions

RG	ST	EPA ID	Site Name	Lead (1)	FY02 Requested	FY02 Distributed	Notes
10	OR	ORD009020603	McCormick & Baxter Creos. Co. (Portland)	FUND	200,000		
10	WA	WAD980726301	Commencement Bay, South Tacoma Chanl.	FUND	740,000	400,000	
10	WA	WAD009248295	Wyckoff Co./Eagle Harbor	FUND	150,000	150,000	
			TOTALS		1,090,000	550,000	

Notes (1) FUND = EPA Lead
PRP = Potentially Responsible Party Lead
MIXED = Shared Lead Responsibility
TBD = To Be Determined

Attachment 3
National Risk-Based Priority Panel

In response to funding shortfalls and an agreement between Superfund Senior Managers and Congress, a change from a regional prioritization system to a national prioritization system was implemented in Fiscal Year 1995 for all large dollar removals and new start remedial action projects where funding was requested during Fiscal Year 1996. This system involves employment of a ranking scheme that prioritizes projects based on the following principles:

- Protection of human health
- Protection from significant environmental threats
- Potential human health or environmental threats based upon current site conditions.

Five criteria and associated weighting factors (below) are used to classify threats that contaminants may pose. These include risks to human population exposed, contaminant stability, contaminant characteristics, threat to a significant environment and program management considerations. Each criteria is ranked on a scale of one to five. The highest score for any criteria is five representing a current risk—current exposure scenario posing risk to human health and the environment. The lowest score for a factor is one representing a future risk—future exposure scenario.

A national prioritization panel comprised of national program experts from Regional offices and Headquarters ranks projects. The panel met for the first time in August 1995 to finalize the protocol f or ranking projects on a national level and to begin voting on projects that were ready for funding during Fiscal Year 1996.

The Superfund program in the 1990s has shifted from a program with the largest percentage of projects in a study phase to a program in which the largest percentage of sites have at least started remedial design. A national priority list is seen as a way for each Region to list its priority projects in order of importance and rank these projects against priority projects from other Regions ensuring that scarce resources are allocated to the projects posing the most risk to human health and the environment.

Criteria Factors and Weights

WEIGHT	FACTORS
5	A. Risks to Human Population Exposed: Population size, proximity to contaminants, likelihood of exposure.
5	B. Stability: Mobility of Contaminant, Site Structure and Effectiveness of Any Institutional or Physical Controls.
3	C. Contaminant Characteristics: Concentration, Toxicity and Volume.
3	D. Threat to a Significant Environment: Endangered Species or Their Critical Habitats, Sensitive Environmental Areas.
4	E. Program Management Considerations: Innovative Technologies, Cost Delays, High Profile Projects, Environmental Justice, State Involvement, Brownfields/Economic Redevelopment.

The raw score for each factor is multiplied as follows to obtain the maximum score.

		Raw Score		Weight Factor		Total Score
Factor A	Population Exposed	1- 5	x	5	=	25
Factor B	Stability	1- 5	x	5	=	25
Factor C	Contaminant Characteristics	1- 5	x	3	=	15
Factor D	Threat to a Significant Environment	1- 5	x	3	=	15
Factor E	Program Management	1- 5	x	4	=	20
	TOTAL				=	100

Superfund Response Action Priority Form

Regional Site Priority: _____ Region: _____
Site Name:_____

CERCLIS ID: _____ NPL Status: _____

Site Location: _____
City: _____ State: _____
Congressional District_____

Action
____ Remedial, or OU#: _____
____ Time Critical Removal (NPL/Non-NPL): _____
____ Non-Time Critical Removal (NPL/Non-NPL): _____

First, Subsequent, or Final Action for site: _____
If this is a final action, will this result in construction completion for site (Yes/No)?_____

Site Description (size, volume of waste, current and future land use of the site and land adjacent to the site, etc.):

Response Action Summary

1) Describe briefly, site activities conducted in the past or currently underway.

2) Specifically identify the discrete activities to be considered by this panel evaluation along with associated cost and projected schedule.

3) What are the projected additional activities that will result in this site reaching construction completion? What is the estimated cost of these additional activities?

Cost of Proposed Response Action: $_____

(If the response action exceeds $10 million, consultation with the Regional Center Director to discuss alternatives should proceed ranking by panel.)

Deviation *from project* budget, resulting in the exceedance of the $10 million limit, requires HQ consultation.)

Planned FY 2002 and FY 2003 Needs: _____
(If large dollar project please provide a quarterly forecast) (Note: State match 10%)

Readiness Criteria:

Date State Superfund Contract or State Cooperative Agreement will be signed (Month)?

If non—time critical, is State cost sharing (Provide details)? State match - 10%

If Remedial Action when will Remedial Design be 95% complete (Month)?

When will Region be able to obligate money to the site?_____

Estimate when on-site construction activities will begin ?_____

I. Principle Contaminants
(Please provide average and high concentrations)

		Concentration	
Contaminant	Media	**(Average)**	**(High)**
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____

Media: (AR) Air, (SL) Soil, (ST)Sedimsnt, (GW)Ground Water, (SW) Surface *Water*

II. Site/Contaminant Stability Describe the means/likelihood that contamination could impact other areas/media given current containment:

III. Summarize Human Exposures/Risks Describe the Exposure Scenario(s) driving the risk and remedy (Include: current/future, on-site/off-site, media, exposure route, receptor)

Estimate the number of people reasonably anticipated to be exposed in the absence of any future EPA action for each medium for the following time frames:

Medium	**< 2 yrs.**	**< 10 yrs.**	**> 10 yrs.**
_____	_____	_____	_____

Discuss the likelihood that the above exposures will occur?

Medium	**< 2 yrs.**	**< 10 yrs.**	**> 10 yrs.**
_____	_____	_____	_____

Discuss the likelihood that the above exposures will occur?

IV. Explain any Ecological Risks/Impacts Describe any observed or predicted adverse impacts on ecological receptors including their ecological significance and likelihood of occurring, size of the impacted area.

Would natural recovery occur if no action was taken? If so, estimate how long this would take.

V. Programmatic Considerations

Describe the degree to which the community accepts the response action:

Describe the degree to which the state accepts the response action:

Describe other programmatic considerations, e.g.; natural resource damage claim pending, Brownfields site, uses an innovative technology, construction completion, economic redevelopment, environmental justice, etc:

[From the New York Times, Wednesday, July 31, 2002]

SUPERFUND MAKES A RARE DEAL WITH FLORIDA

(By John H. Cushman, Jr.)

STATE WILL FINANCE CLEANING UP A SITE

WASHINGTON, July 30.—Short of money and struggling to end delays in cleaning up toxic waste sites, the Federal Superfund program has entered an unusual arrangement with Florida in which the State will pay for work at a toxic site that would normally be handled by the Federal Government.

Instead of waiting for the cash-strapped Federal program to provide nearly $1.4 million to bring clean drinking water to 150 homes in a polluted part of Port

Salerno, as the Environmental Protection Agency had promised to do, the State agency is paying for the speedy installation of water lines, according to State, local and Federal project managers.

The arrangement illustrates just how tight Superfund money has become, forcing Washington to seek creative approaches to help finance even a relatively small project. In June, a report by the environmental agency's office of inspector general identified dozens of sites where Federal cleanup money had not been allocated this year at the levels requested by the agency's regional offices. The Florida site, known as Solitron Microwave, is one of those named by the inspector general.

Usually, the State's share of cleanup costs would be just 10 percent.

In exchange for Florida's payment of the full cost of the project, the Federal agency has agreed to give Florida a credit that can be used to offset the State's share of future cleanups.

At first glance, the arrangement, which the officials say has never been tried in the agency's southeastern region and hardly ever in other parts of the country, might seem to be a model for speeding cleanup work elsewhere at a time when critics in Congress are complaining about delays in the program, The Superfund law authorizes such arrangements, EPA officials said. At the end of last year, there were only about $10 million in credits outstanding, compared with an annual Superfund budget of about $1.3 billion.

But Florida's environmental department, in having cash on hand for the project, is a rarity for having escaped severe budget cuts that many other State environmental agencies are facing, according to the Environmental Council of the States, which recently called on the protection agency to seek a bigger budget for Superfund and other cleanup efforts.

"Without adequate funding, the Federal and State cleanup programs will drastically decline in effectiveness," the organization of State officials told Christie Whitman, the environmental agency's administrator, in a letter early this month.

There are other potential legal problems with broadening this approach, too, specialists in government accounting rules say. Under the Anti-Deficiency Act, which forbids expenditures of Federal money in excess of appropriations, an expansion of the use of credits might be suspect, say officials at the General Accounting Office, the auditing arm of Congress.

While the anti-deficiency rules are arcane and there are exceptions, an authoritative accounting office guidebook States, the central principle is simple: Federal officials should "pay as you go."

William Denman, the regional project manager at the environmental agency, said in an interview that he had refused an earlier request by Martin County, Fla., to do the work and to be repaid by the protection agency later, because the Anti-Deficiency Act would have made that illegal. But Mr. Denman said the, arrangement with Florida avoided this problem because the actual credit would not be approved until the work was completed, and because "there is no real money that changes hands."

The Florida site is on about 20 acres owned by Solitron Devices, a Florida electronics firm. It is polluted by toxic industrial solvents which have bled from the soil into the local aquifer, with traces turning up in private wells and the public water supply.

Two years ago, at a meeting attended by 230 local residents, environmental agency officials promised the crowd "that they soon would be connected to public water thereby, relieving them of their worries regarding the safety of their drinking water," according to a letter from one local official to Florida's congressional delegation complaining about the delays.

By last January, however, county officials announced that although they had completed the engineering design work, which the EPA paid for, the actual construction was being delayed because the agency lacked sufficient money.

In public statements, they worried that the community might have to compete for financing with other Superfund sites at a time when the Federal program's budget fell short of what was needed to keep work on schedule at sites nationwide.

Distressed by the delay, Martin County decided to move ahead unilaterally.

But after Mr. Denman told them that was illegal, the agency and Florida agreed to a somewhat different approach, with the State giving the county an installment in June and promising to pay the rest later this year. The work should be completed by winter. Further work to remove contaminated soil and stem the flow of polluted groundwater has not yet been financed.

Eventually, the Superfund program stands to collect money from Solitron Devices, which is negotiating over the sale of the property and over a further penalty drawn from its future earnings that would settle its liability for the pollution. Details of

the company's negotiations with the EPA were reported in Solitron's financial filings with the Securities and Exchange Commission.