

**STATEMENT OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE
SUBCOMMITTEE ON WATER RESOURCES
AND ENVIRONMENT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES**

JUNE 3, 2009

Madam Chairwoman and Members of the Subcommittee, I am Barry Breen, Acting Assistant Administrator of the Office of Solid Waste and Emergency Response (OSWER), U.S. Environmental Protection Agency (EPA). Also appearing today is Mr. Michael Shapiro, Acting Assistant Administrator for EPA's Office of Water. We are pleased to be here to discuss President Obama's Fiscal Year (FY) 2010 budget request for EPA and our views on Clean Water Act programs, Superfund, brownfields, and other programs that fall within the Agency's Offices of Water and Solid Waste and Emergency Response.

The President requests \$10.5 billion for FY 2010 to carry out EPA's mission to protect human health and safeguard and improve the environment. This budget represents a 37 percent increase over our FY 2009 Budget -- the highest level ever for EPA. It reflects both the challenges and promise we face in an era of higher energy costs, global climate change, and economic crisis. We recognize that now is the time to make the environmental investments to support a cleaner energy economy and a more sustainable future.

This budget starts the work needed to transform our economy through investment in cutting-edge green technologies, repairing crumbling infrastructure and strengthening our core regulatory and scientific capabilities to make the Nation's water, air, and land cleaner for our communities, families, and children. This budget keeps EPA on the job protecting the environment. It helps states, tribes, and local governments stay on the job by providing critical partnership assistance and helps put Americans back on the job.

Brownfields and Land Revitalization

Brownfields cleanup and redevelopment continues to be one of the Administration's top environmental priorities. The President's FY 2010 budget request provides \$174.7 million for the brownfields program, including \$87 million to fund brownfields program assessment, cleanup, revolving loan fund, and job training grants. The budget request will fund 110 assessment grants, 101 cleanup grants, 7 revolving loan fund grants, and 13 job training grants. In FY 2010, brownfields grantees are expected to assess 1,000 properties, clean up 60 properties, leverage 5,000 cleanup and redevelopment jobs, and leverage \$900 million in cleanup and redevelopment funding.

EPA will continue its land revitalization initiative which includes all of EPA's cleanup programs as well as partners at all levels of government and in the private and non-profit sectors. The goal of land revitalization is to restore our nation's contaminated land resources and enable America's communities to safely return these properties to beneficial economic, ecological, and societal uses. EPA is ensuring that cleanup programs protect human health and the environment;

and also is ensuring that the anticipated future uses of these lands are fully considered in cleanup decisions.

Experience has taught us that one of the best ways to clean up contaminated sites and to address blighted properties in communities is to expressly consider the future uses of this land. By incorporating “green” and sustainable approaches into brownfields redevelopment, we can further increase the environmental benefits from land revitalization.

Superfund

The Superfund program continues to protect human health and the environment by cleaning up uncontrolled hazardous waste sites and conducting actions to mitigate immediate threats to human health. This program also works with both public and private partners to encourage reuse and redevelopment of Superfund sites. The President’s budget provides \$1.3 billion for the entire Superfund appropriation to continue the progress we are making cleaning up contaminated sites. The budget request maintains Superfund remedial cleanup funding at essentially the same level as enacted in FY 2009.

In general, before or during long-term remedial action, the Superfund program often completes removal actions to mitigate immediate health threats at sites prior to completion of investigations and the start of long-term cleanup construction. For example, where EPA determines that existing water supplies are unsafe due to releases from contaminated sites, we can provide alternative sources of drinking water. To date, EPA has provided more than two million people near these sites with alternative sources of drinking water. Similarly, through

removal actions, the Superfund program controls exposure to hazardous substances so human health is protected while long-term clean up is underway. The Superfund removal and emergency response program conducted more than 300 EPA-lead and responsible party removal cleanup actions in FY 2008 and to date has completed approximately 10,000 removals to reduce the immediate threat to human health and the environment.

Protecting human health and the environment in the long-term remains central to the Superfund program. During FY 2008, EPA continued work at 681 construction projects at 423 National Priority List (NPL) sites and completed all remedy construction at 30 sites throughout the country. As of the end of FY 2008, cleanup construction had been completed at 1,060 NPL sites, which represents 66 percent of sites listed on the NPL. In addition, EPA controlled all identified unacceptable human exposures at 24 sites, exceeding the Agency's annual goal of 10, and controlled the migration of contaminated ground water through engineered remedies or other processes at 20 sites, exceeding the Agency's annual goal of 15.

The Superfund program also continues to prepare for future cleanup efforts and in FY 2008 the Agency listed 18 new sites on the NPL and proposed an additional 17 new sites. In addition, EPA completed the 40,000th Final Assessment Decision (FAD) under the Superfund program in April 2008, one of the 415 FADs completed by EPA and its partners during FY 2008. A FAD indicates the completion of all Superfund remedial assessment work at a site and that EPA has the information necessary to determine whether the site poses a risk to human health or the environment that needs to be addressed through federal or state cleanup programs.

While the Superfund remedial program continues listing sites on the NPL and moving projects through the program's cleanup stages to completion, there has been increasing emphasis on post-construction activities that help ensure long-term protection of human health and the environment. EPA's construction completion measure, developed nearly two decades ago to measure interim progress in the Superfund program, continues to be a measure to assess program progress, but it does not necessarily measure the achievement of long-term protection. As the Superfund program has evolved, EPA has looked for additional ways to assess program progress and keep the public informed about site cleanup milestones.

To better measure long-term progress, EPA adopted a Site-Wide Ready for Anticipated Use measure in 2006. This measure tracks the number of NPL sites where the remedy is constructed (construction completion) and all of the protective measures, including institutional controls, are in place to ensure long-term protection of human health and the environment and provide for reasonably anticipated future uses of the site. EPA expects to make at least 65 sites ready for anticipated use in FY 2010. While there are more than 500 NPL sites with some measure of beneficial use, as of the end of FY 2008, there were 343 sites that achieved the Site-Wide Ready for Anticipated Use measure, thus providing beneficial uses to local communities and opportunities for development and job creation.

Finally, EPA has continued its effort to efficiently utilize every dollar and resource available to clean up contaminated sites and to protect human health and the environment. In FY 2008, EPA obligated nearly \$462 million of appropriated, state cost-share, and potentially responsible party settlement resources to conduct cleanup construction and post-construction

work at Superfund sites, which included more than \$55 million to begin construction at 16 new Superfund projects at 15 NPL sites.

Homeland Security, Emergency Preparedness and Response

EPA's Homeland Security Emergency Preparedness and Response program will continue to develop and maintain an Agency-wide capability to respond to incidents of national significance with emphasis on those that may involve Weapons of Mass Destruction (WMD). EPA is the lead federal agency under the National Response Framework for Emergency Support Function (ESF) #10, which addresses Oil and Hazardous Materials, and works with other agencies to provide support for a number of other Emergency Support Functions, including ESF #3, which addresses Public Works and Engineering.

The \$53.5 million FY 2010 budget request for our Homeland Security Emergency Preparedness and Response program will continue to concentrate on key areas including laboratory and decontamination capabilities. The Homeland Security Environmental Response Laboratory Network (ERLN) will continue to improve coordination among existing laboratory networks and expand laboratory chemical warfare agent capability and capacity programs at the Federal and state levels. This request will also help strengthen the Agency responder base through training and exercise opportunities for Response Support Corps and Incident Management Team volunteers as well as the base response workforce, and pre-deploy agency assets to national security special events.

Oil Spill Program

EPA's oil spill program is designed to protect inland waterways through oil spill prevention, preparedness, and enforcement activities associated with the more than 600,000 non-transportation related oil storage facilities that EPA regulates.

The President's FY 2010 budget request provides \$18.4 million for EPA's oil spill program. Our oil spill program focuses on preventing oil spills from occurring, reducing the risk of hazardous exposure to people and the environment, and responding to spills when necessary. EPA and the U.S. Coast Guard evaluate thousands of spills annually to determine if assistance is required. On average, EPA either manages the oil spill response or oversees response efforts of private parties at approximately 250 to 300 sites per year.

Conclusion

EPA will continue to protect human health and the environment by requiring responsible parties to clean up hazardous waste sites and looking for ways to improve Superfund and brownfields program efficiency and effectiveness. I look forward to continuing to work with the Committee to address the Superfund and brownfields programs, and other programs entrusted to the Office of Solid Waste and Emergency Response. The President's budget request for EPA will help ensure that we are able to accomplish the Agency's important mission - - to protect human health and safeguard and improve the environment.