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BEFORE THE SUBCOMMITTEE ON
SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT
UNITED STATES SENATE

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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 the Superfund program and identify some of the new challenges facing EPA as the program continues into its third decade.

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. Further, as the members and staff of the Environment and Public Works Committee located in the Hart Senate Building learned first hand, one of the many challenges of the Superfund program is to address threats posed to Homeland Security. Today, I will outline the innovative ways EPA is addressing the Superfund program's important tasks.

SUPERFUND PROGRESS

The Superfund program continues to make progress in cleaning up hazardous waste sites on the National Priority List (NPL). Through Fiscal Year 2001, 92 percent of the sites on the NPL are either undergoing cleanup construction or have cleanup construction completed:

* 804 Superfund sites reached construction completion
* 401 Superfund sites had cleanup construction underway

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

This Administration reinforced its commitment to the "polluter pays" principle by securing cleanup from responsible parties at approximately 70 percent of non-Federal Superfund sites. Fiscal

Year 2001 produced a near record in Superfund cost recovery and cleanup commitments from responsible parties. EPA's enforcement program generated $1.7 billion, nearly $300 million more than in Fiscal Year 2000 and the second highest amount in the history of the Superfund program. The cumulative value of responsible party commitments since the inception of the program now exceeds $20 billion.

HOMELAND SECURITY / BIOLOGICAL HAZARDS

EPA's Emergency Response program was on the front lines at the World Trade Center, the Pentagon and the Anthrax incidents and the Agency is proud of our ground-breaking work. EPA, in partnership with the Centers for Disease Control and Prevention (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR), and District of Columbia public health officials, successfully completed anthrax cleanup in the Hart Senate Building - - a task never before achieved in public health history. EPA continues to provide technical assistance at three U.S. Postal facilities that have not completed anthrax cleanup and at the AMI building in Boca Raton, Florida. EPA is also examining ways to improve Chemical plant site security. We have been working closely with representatives from the chemical industry, first responders, and community and environmental groups to ensure that high levels of prevention are maintained, along with protectiveness and responsiveness.

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 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.

PUBLIC LAW 107-118 IMPLEMENTATION

EPA has formed a number of internal workgroups to develop policy implementing the new law.

We are conducting listening sessions, both here in Washington and at the regional level, to gather stakeholder views prior to issuing new policies. EPA is developing brownfields grant application guidelines for the new funding that will be available in the Fall of 2002.

Further, EPA's enforcement program is carefully reviewing key brownfields liability and enforcement provisions in the Act and will undertake several activities, such as issuing guidance to regions on key terms in the statute and promoting a consistent approach on site-specific questions. In addition, EPA's enforcement program will be working to develop guidance on certain key provisions of the de micromis and Municipal Solid Waste (MSW) exemptions. EPA is also evaluating what new settlement procedures might be necessary under the revised CERCLA §122(g).

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. 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.

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. Entering Fiscal Year 2001, EPA had anticipated the potential for a reduction in achieving site construction completions. The Superfund process, from site listing to cleanup 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 sites with significant years of construction work remaining

The remaining number of Superfund sites that have not reached the completion stage includes area-wide ground water 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 sites (mega-sites exceeding $50 million in cleanup costs) as a percentage of NPL sites not construction complete than ever before. Of the remaining 675 final NPL sites not construction complete, 138 are federal facilities and an additional 93 sites are mega-sites.

Given the nature of the remaining sites on the NPL that have not been completed, the use of construction completion as the overriding measure of Superfund program progress is becoming less helpful. The time frame needed to complete federal facility sites and mega-sites represents so many years, that newer, more meaningful environmental indicators need to be developed. Currently, the Superfund program is credited with only one construction completion whether the site completed would be a 100 square mile former mining site or a one acre former wood treating site. The public needs tools for measuring success that describe significant accomplishments at these challenging sites over time.

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 work toward an optimal

balance between the achievement of risk reduction, construction progress, and beneficial re-use at Superfund sites. I would expect the first phase of the review to be complete in late spring with a draft three year plan at the end of the summer.

NACEPT PROCESS

EPA is also launching a public dialogue 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 "mega-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. We 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 hazardous waste sites. 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. We also will continue our efforts in protecting Homeland Security, improving chemical plant security, and working with other Federal Agencies in responding to biological hazards. I look forward to working with Congress in the months and years ahead as we strive to meet our common goal of protecting human health and the environment.