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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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February 10, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

Thank you for your June 27, 2011 response to my May 24, 2011 letter regarding the use of unobligated funds in the Hazardous Substance Superfund ("Trust Fund") reported in the Appendix to the President's FY 2012 budget request. I do appreciate you taking the time to answer some of my questions. Your response failed to answer two of my specific questions.

As I previously stated, there still remains a substantially large balance in the EPA Superfund Trust Fund Account. According to the Office of Management and Budget's Appendix to the FY 2012 budget of the U.S. Government, Released in February 14, 2011 as part of the President's FY 2012 budget request, as of the beginning of FY 2011 (October 1, 2010), the unobligated balance of EPA's Superfund Trust Fund was \$2,257,000,000.

The \$2.26 billion is uncommitted in the Superfund program. Further, OMB estimates that this Amount will have grown to \$2.338 billion by October 1, 2011. When combined with anticipated FY 2012 appropriations, OMB estimates that EPA will have \$3.884 billion in total budgetary resources in the Superfund Trust Fund for FY 2012.

It is not unusual to have an office carry over a balance from year to year. At the beginning of FY 2011, OMB reported that the Department of Defense had a balance of \$229 million and the Department of Energy had a balance of \$47 million for their respective cleanup accounts.

What is unusual is to have an office carry over an amount that is over one and a half times its total fiscal year request.

I would like to request an answer to the following two questions:

1. Does EPA plan to obligate this money? By what time and for what sites? (i.e. I am specifically asking what is your specific plan overall and for each Superfund special account.)

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2. Your agency has consistently said that your pace of cleanup is directly tied to your funding levels. Since the pace of construction completions is at an all time low, why is EPA not using these funds? (i.e. Is this a management issue or are the EPA regions not using these funds?)

EPA stated in their response to my previous letter:

“The EPA will continue to leverage all available resources to achieve cleanup at Superfund sites, and I can assure you that EPA is working hard to ensure that available funds in the trust funds do not sit idle. The Superfund program is fully utilizing all available resources to advance the goals of protecting human health and the environment at Superfund sites.”

In 2009 EPA had 20 construction completions, in 2010 EPA had 18 construction completions, and in 2011 EPA had 22 construction completions. If EPA has at least \$2.257 billion in unobligated funds, shouldn't EPA be using these funds to accelerate cleanups? Would accelerating cleanups be protective of human health and the environment while increasing employment and providing an economic stimulant to local communities? Then why are so many of these funds sitting idle in special accounts?

Thank you for your time and attention to this matter. If you have any questions on this matter then please contact Matthew Hite on my staff at (202)224-6176.

Sincerely,



James M. Inhofe
Ranking Member
Committee on Environment and Public Works
U.S. Senate