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ONE HUNDRED TENTH CONGRESS

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

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July 6, 2007

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Mr. Alex Beehler
Assistant Deputy Under Secretary of Defense
Environment Safety and Occupational Health
U.S. Department of Defense
The Pentagon
Washington, DC, 20301-3400

Dear Mr. Beehler:

Thank you for appearing before the Subcommittee on Environment and Hazardous Materials on Wednesday, April 25, 2007, at the hearing entitled "Perchlorate: Health and Environmental Impacts of Unregulated Exposure." We appreciate the time and effort you gave as a witness before the subcommittee.

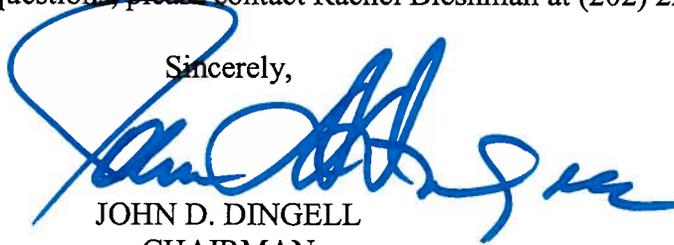
Under the Rules of the Committee on Energy and Commerce, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from certain Members of the Committee. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's question along with your response.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business on **Friday, July 20, 2007**. Your written responses should be delivered to **2125 Rayburn House Office Building** and faxed to **(202) 225-2899** to the attention of Rachel Bleshman. An electronic version of your response should also be sent by e-mail to Ms. Bleshman at rachel.bleshman@mail.house.gov. Please send your response in a single Word or WordPerfect formatted document.

Mr. Alex Beehler
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Rachel Bleshman at (202) 225-2927.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Albert Wynn, Chairman
Subcommittee on Environment and Hazardous Materials

The Honorable John Shimkus, Ranking Member
Subcommittee on Environment and Hazardous Materials

The Honorable Joe Barton and the Honorable John Shimkus

1. You state in your testimony that DOD has been working with the States and will continue to comply with applicable Federal or state standards regarding perchlorate. How have the States reacted to the risk assessments conducted under the Defense Environmental Restoration Program?
2. As was stated in the hearing, perchlorate has been a particular concern in California. What is the California Perchlorate Sampling Prioritization Protocol and what were the results?
3. In your oral statement and in questions, you seemed to indicate that there were some common misperceptions about the Defense Department's activities related to perchlorate. What are these misperceptions?
4. You stated that of the 146 installations that reported assessments in FY 2006, only 9 reported detection above 4 ppb in any media. Is this trend a result of increased monitoring and assessment and does it demonstrate a turning point in perchlorate detections at DOD installations?
5. You mentioned that alternatives to potentially replace ammonium perchlorate in solid rocket propellants are undergoing testing and evaluation. The alternatives must meet high performance specifications and have a low environmental burden. Do performance or environmental externality issues exist with these alternatives? Will you have these on line by 2008?
6. Your testimony talks about the research work that the Defense Department has sponsored on various sources of perchlorate. Has the Department examined forensic techniques as part of this work? What is the nature of this research and any results?

The Honorable Albert Wynn

1. Is it correct that there is no appreciable difference in the cost of remediating incremental levels of perchlorate in groundwater? If not, please explain why not.
2. At the April 25, 2007, hearing before the Subcommittee on Environment and Hazardous Materials, when asked if any Department of Defense (DOD) Federal facility that has perchlorate contaminated groundwater had completed a record of decision under CERCLA, you responded that you would "take that for the record." Is it correct that DOD has not completed a Record of Decision addressing the remediation of perchlorate contaminated groundwater at any of DOD's 34 Superfund National Priorities List (NPL) facilities that have perchlorate contaminated groundwater? If DOD has completed a Record of Decision addressing the remediation of perchlorate contaminated groundwater at any of DOD's 34 Superfund NPL facilities that has perchlorate contaminated groundwater, please provide the name of the facility, and a copy of a fully executed Record of Decision.
3. Section 120 of CERCLA requires that not later than six months after the inclusion of any Federal facility on the NPL, any agency of the United States, in consultation with EPA, must commence a remedial investigation and feasibility study (RIFS) for such facility (42 U.S.C. § 9620(e)(1)). Based upon information provided to the Committee by EPA, there are at least 34 DOD facilities with perchlorate contamination on the NPL. (See Appendix 1, DOD NPL Facilities with Known Perchlorate Contamination). For each facility, please provide the date it was listed on the NPL and whether an RIFS has been commenced. For each DOD facility where an RIFS was commenced, please indicate the date it was commenced, and if applicable, completed, and a description of the scope of work of the RIFS and whether it addresses perchlorate contaminated groundwater.
4. By letter dated July 16, 2003, EPA notified the Department of Defense that it was discontinuing involvement at the Camp Bonneville Base Realignment and Closure (BRAC) Site in Vancouver, Washington, citing a lack of collaboration by DOD. (See Appendix 2, Letter from EPA Region 10 to Col. Richard Conte, Director of Public Works, Ft. Lewis Washington). In the letter EPA states that "the site lacks the necessary level of site characterization information on which to base long-term remedial decisions." EPA further states that "[t]here is only a limited understanding about the nature and extent of contamination primarily from munitions and unexploded ordnance (UXO) but also limited areas related to chemical releases." At the April 25th hearing, you were asked "why the Army was not responsive to Region 10's comments?" You responded that "I will have to look into it." Please provide a written response to this question.
5. Has DOD completed a remedial action, as opposed to a removal action, at any DOD facility where perchlorate in groundwater is present? If so, please provide the name of the facility, a description of the remedial action and include supporting documentation.

The Honorable Albert Wynn (continued)

6. Was there a time when DOD did not consider perchlorate to be a contaminant? If the answer is “yes,” was that a basis for DOD’s choosing not to undertake remedial actions at federal facilities with perchlorate contamination in the groundwater? When did DOD agree that perchlorate was a contaminant?

DOD NPL FACILITIES WITH KNOWN PERCHLORATE CONTAMINATION

APPENDIX 1

AL	Reg. 4	ANNISTON ARMY DEPOT
AL	Reg. 4	REDSTONE ARMY ARSENAL
CA	Reg. 4	EDWARDS AFB RESEARCH LAB
CA	Reg. 9	MATHER AFB
CA	Reg. 9	FORMER MCAS EL TORO
IL	Reg. 5	SANGAMO/CRAB ORCHARD
KS	Reg. 7	FORT RILEY
MA	Reg. 1	MASS MILITARY RESERVATION
MD	Reg. 3	FT. MEADE
MD	Reg. 3	NAVAL SURFACE WELFARE – INDIAN HEAD
MD	Reg. 3	ABERDEEN PROVING GROUND
MO	Reg. 7	LAKE CITY ARMY AMMUNITION PLANT
NJ	Reg. 2	PICATINNY ARSENAL
TN	Reg. 4	ARNOLD ENGINEERING DEVELOPMENT CENTER
TX	Reg. 6	LONE STAR AMMUNITION
TX	Reg. 6	LONGHORN SITE 4
TX	Reg. 6	LONGHORN SITE 12
TX	Reg. 6	LONGHORN AAP SITE 16
TX	Reg. 6	LONGHORN SITE 17
TX	Reg. 6	LONGHORN SITE 18/24
TX	Reg. 6	LONGHORN SITE 29
TX	Reg. 6	LONGHORN SITE 46
TX	Reg. 6	LONGHORN SITE 47
TX	Reg. 6	LONGHORN SITE 47A
TX	Reg. 6	LONGHORN SITE 47B
TX	Reg. 6	LONGHORN SITE 50
VA	Reg. 3	DAHLGREN
WV	Reg. 3	ALLEGHANY BALLISTICS LAB
AZ	Reg. 9	YUMA MARINE CORPS
CA	Reg. 9	NAVY WEAPON STATION SEAL BEACH
CO	Reg. 8	ROCKY MOUNTAIN ARSENAL
IA	Reg. 8	IOWA ARMY AMMUNITION
MA	Reg. 1	DEVENS RESERVE FORCES
OR	Reg. 10	UMATTILLA ARMY DEPOT

APPENDIX 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

July 16, 2003

Reply To
Attn Of: ECL-112

Commander, Ft. Lewis
Directorate of Public Works
ATTN: AFZH-PW MS 17
(Attn: Col. Richard Conte, Director of Public Works)
Box 339500
Ft. Lewis, WA 98433-9500

Subject: EPA Withdrawal from Camp Bonneville Base Closure Team

Dear Col. Conte:

This letter is to notify the United States Army of the Environmental Protection Agency's (EPA's) decision to discontinue involvement with the Base Closure Team (BCT) at the Camp Bonneville Base Realignment and Closure (BRAC) site. This is a decision that EPA has not made lightly. However, given the particular circumstances at Camp Bonneville, EPA has made a management decision to reallocate its limited staff resources to other urgent cleanup needs in Region 10. As Camp Bonneville is among the Department of Defense (DoD) installations included in a Memorandum of Understanding (MOU) between DoD and EPA, we have consulted with our Headquarters Program Office on this matter and they have concurred with our decision.

We made this decision knowing the State of Washington's Department of Ecology (Ecology) has increased its staff for Camp Bonneville. Ecology also has issued an enforcement order for Camp Bonneville. As a result of their increased investment at this site, Ecology requested that EPA not continue in a concurrent oversight role. We have decided to withdraw from the BCT; however, we want to go on record with our ongoing concerns, in the interest of supporting Ecology's, the Army's, and the public's interest in addressing the human health and environmental issues at Camp Bonneville.

After the initial round of base closure legislation, the Department of Defense (DoD) developed guidance which relied on bottom up decision-making by the military service, EPA, the state, and other stakeholders. The BCT was meant to work collaboratively to make cleanup decisions and facilitate reuse of the property. The DoD model and BCTs have been successful in accomplishing those goals at both NPL and non-NPL BRAC sites all over the country including Region 10. In Region 10, the BCT model worked well at Sand Point Naval Station, Seattle, Washington; Fort Greeley, Delta Junction, Alaska; and at Adak Island Naval Air Station, Alaska.

In the case of Camp Bonneville; however, there has not been the level of collaboration that is typical in the BRAC process. Over the past seven years of EPA involvement through the BCT, we have made every effort to assist the Army in characterizing the risks to human health and the

environment at the Camp Bonneville site. EPA has sought to provide information and comments to help improve the site characterization activities relating both to munitions and other contamination. We also provided comments to address what we believe are other significant shortcomings of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cleanup process that was being implemented. On many issues, the Army has not been responsive to EPA's comments. Enclosure 1 provides examples of significant data gaps and procedural shortfalls at Camp Bonneville which are one result of the lack of cooperation and collaboration in the BCT process.

Even though the Army has completed a number of removal actions, the site lacks the necessary level of site characterization information on which to base long-term remedial decisions. We are also concerned that decisions about property transfer need to be based on better information than is currently available. There is only limited understanding about the nature and extent of contamination primarily from munitions and unexploded ordnance (UXO), but also in limited areas related to chemical releases. We believe that this information could have been developed had the Army incorporated our comments into their characterization workplans and related analyses over the past seven years.

We have made our concerns and comments known to Ecology. We will continue to provide support to Ecology on an "as needed" basis. Please contact me at (206) 553-4181 or at eaton.thomas@epa.gov with any questions or concerns.

Sincerely,

/S/

Thomas Eaton, Associate Director
Office of Environmental Cleanup

Enclosure

cc:	Tim Nord, Ecology	<i>sent via e-mail only</i>
	Barry Rogowski, Ecology	“”
	Jim Woolford, EPA	“”
	Brian Vincent, Clark County	“”
	Karen Kingston, RAB co-chair	“”
	Eric Waehling, Army	“”
	Nancy Harney, EPA	“”

Enclosure1:

Camp Bonneville Data Gaps

Significant data gaps at Camp Bonneville BRAC site include:

1. lack of geophysical investigations for the detection of subsurface UXO/munitions in areas of concern such as the proposed Regional Park, the artillery/mortar/rocket Impact Area, and Demolition Area 1 (Approximately 1% of Camp Bonneville has previously been geophysically surveyed for subsurface UXO/munitions, 99% has not been surveyed);
2. lack of Remedial Investigations (RI) on the nature and extent of contamination from UXO/munitions, and soil and groundwater contamination at known disposal areas such as Demolition Areas 1, 2, and 3;
3. lack of an RI to determine the presence/absence of soil and groundwater contamination in the Impact Area due to munitions residues (No soil or groundwater sampling data currently exists for the Impact Area);
4. lack of public review and comment on the proposed response action (EE/CA or Feasibility Study) to take place on Demolition Area 1, including review of the CERCLA standards the Army expects to attain and how these standards were derived;
5. demonstration of attainment of published cleanup standards (ARARs and TBCs) for Demolition Area 1/landfill 4;
6. lack of lead hazard assessment for Camp Killpack where child-occupied facilities are forecasted by the County;
7. improvement of QA/QC procedure for all site sampling including adherence to accepted, published standards (MTCA specified QA/QC is only a starting point);
8. assessment of QA/QC deficiencies from past field efforts to determine if these sampling events should be redone;
9. additional sampling of small caliber firing ranges to account for low sampling density;
10. surface clearance of UXO/munitions the entire Camp including "wildlife" areas which will inevitably be vulnerable to trespass; additionally surface clearance is a required step in conducting subsurface UXO/munitions clearance.
11. location of additional downgradient wells near demolition area 2 that are within 100 feet from Ecology's best estimate of the location of past demolition practices; and
12. lack of an RI/FS for all Camp areas which includes hazardous waste issues, ordnance clearance, and assessment and removal if necessary of ordnance residue.

Examples of CERCLA compliance issues and coordination problems:

1. noncompliance with various parts of CERCLA and the NCP including inappropriate use of time-critical removal authority;
2. refusal to publish in any federal CERCLA Decision Documents clear statements of the applicable requirements for cleanup actions taken, such that regulators and the public may track the Army's compliance; and
3. unilaterally making field changes without consulting regulators, in some cases rendering the field work useless.