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STATEMENT OF
HUGH J. WESSINGER, SENIOR ASSOCIATE DIRECTOR
COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION

BEFORE THE
SUBCOMMITTEE ON INVESTIGATIONS & OVERSIGHT
OF THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
ON

EPA'S PROGRESS IN IMPLEMENTING
THE SUPERFUND PROGRAM

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

WE ARE HERE TODAY TO DISCUSS THE RESULTS OF OUR REVIEW OF
THE SUPERFUND PROGRAM--A PROGRAM DESIGNED TO FINANCE AND CLEAN-
UP UNCONTROLLED HAZARDOUS WASTE SITES. MY TESTIMONY IS BASED
ON OUR JUNE 2, 1982, REPORT ON THIS MATTER TO THE EPA
ADMINISTRATOR (GAO/CED-82-91). OUR REPORT IS ATTACHED TO MY
STATEMENT.

THE SUPERFUND LEGISLATION PROVIDES FOR A \$1.6 BILLION FUND
TO BE ACCUMULATED FROM TAXES ON PETROLEUM AND CERTAIN CHEMICALS
AND FEDERAL APPROPRIATIONS OVER THE FISCAL YEAR 1981-85 PERIOD.
THE FUND IS TO BE USED BY THE FEDERAL GOVERNMENT, PRIMARILY BY
THE ENVIRONMENTAL PROTECTION AGENCY (EPA), OR A STATE GOVERNMENT
TO CLEAN UP SPILLED TOXIC WASTES AND HAZARDOUS WASTE SITES WHERE
THE RESPONSIBLE PARTY DOES NOT TAKE APPROPRIATE ACTION. EFFORTS
TO RECOVER CLEANUP COSTS FROM THE RESPONSIBLE PARTY MAY BE MADE
SUBSEQUENTLY.

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EPA'S IMPLEMENTATION OF THE SUPERFUND PROGRAM HAS BEEN HAMPERED BY A LACK OF FINAL POLICIES AND GUIDANCE. FOR EXAMPLE, EPA MISSED THE CONGRESSIONALLY MANDATED DUE DATE OF JUNE 1981 FOR PUBLISHING THE REVISED NATIONAL CONTINGENCY PLAN AND ONLY RECENTLY ISSUED FINAL COOPERATIVE AGREEMENT GUIDANCE. OFFICIALS FROM STATE GROUPS AND THE FOUR STATES WE VISITED CONSIDERED THE DELAYS IN REVISING THE PLAN AND IN PROVIDING THE FINAL GUIDANCE TO BE THE MAIN FACTORS HAMPERING CLEANUP EFFORTS TO DATE. NOW THAT EPA HAS FINALIZED SOME OF ITS POLICIES AND GUIDANCE AND IS IN THE PROCESS OF FINALIZING OTHERS, WE BELIEVE THAT FUTURE IMPLEMENTATION EFFORTS WILL IMPROVE.

ALTHOUGH THE SUPERFUND LEGISLATION REQUIRED A NATIONAL PRIORITY LIST OF AT LEAST 400 SITES BY JUNE 1981, EPA WAS ONLY ABLE TO PROVIDE AN INTERIM LIST OF 115 SITES AND THEN ONLY BY OCTOBER 1981. TO DETERMINE WHICH OF THE MANY WASTE SITES WOULD MAKE THE INTERIM LIST, EPA AND STATES SCORED SITES USING A HAZARD RANKING SYSTEM. OF THE 115 SITES SELECTED, 94 WERE SELECTED ON THE BASIS OF SCORE ALONE, WHILE 21 WHICH SCORED TOO LOW TO MAKE THE LIST, WERE ADDED AS STATE-DESIGNATED TOP PRIORITY SITES. THE PROCESS EPA USED TO DEVELOP THIS LIST DEMONSTRATED A LACK OF NATIONWIDE CONSISTENCY IN APPLYING THIS SCORING SYSTEM TO SITES. THE PROBLEMS COULD BE COMPOUNDED IN THE FUTURE WHEN EPA EXPECTS TO MORE THAN TRIPLE THE NUMBER OF CANDIDATE SITES TO BE CONSIDERED FOR THE LEGISLATIVELY MANDATED NATIONAL PRIORITY LIST. WE RECOMMENDED THAT BOTH EPA AND STATE PERSONNEL BE PROVIDED ADDITIONAL TRAINING AND GUIDANCE IN APPLYING THE SCORING SYSTEM TO SITES BEFORE THE NATIONAL PRIORITY LIST IS DEVELOPED.

EPA OFFICIALS PLAN TO ADDRESS THESE ISSUES LATER THIS YEAR.

IN ADDITION, EPA STILL LACKS A NATIONAL INVENTORY OF THE TOTAL NUMBER OF UNCONTROLLED HAZARDOUS WASTE SITES EXISTING IN THE NATION. THE CONGRESS AUTHORIZED \$20 MILLION FOR SUCH AN INVENTORY, BUT THE ADMINISTRATION HAS NOT REQUESTED THE FUNDING. IN ADDITION, THOUSANDS OF SITES WHICH HAVE BEEN IDENTIFIED OR REPORTED TO EPA HAVE NOT BEEN ASSESSED OR EXAMINED. IT IS CRITICAL THAT SUCH ASSESSMENTS BE CONDUCTED SINCE THEY REPRESENT MERELY THE FIRST STEP IN DETERMINING WHETHER A SITE MAY BE A PROBLEM OR A POTENTIAL PROBLEM. UNTIL THE NATIONAL INVENTORY IS COMPILED AND ALL IDENTIFIED OR REPORTED SITES ARE ASSESSED OR EXAMINED, THE FULL EXTENT OF THE NATION'S UNCONTROLLED HAZARDOUS WASTE SITE PROBLEM WILL REMAIN UNKNOWN. WE RECOMMENDED THAT EPA REQUEST THE FUNDING TO DEVELOP SUCH AN INVENTORY AND CONDUCT PRELIMINARY ASSESSMENTS AT ALL IDENTIFIED OR REPORTED HAZARDOUS WASTE SITES LACKING THESE ASSESSMENTS.

AS OF JUNE 11, 1982--18 MONTHS SINCE SUPERFUND WAS ENACTED-- THERE WERE FEW SUPERFUND-FINANCED REMEDIAL ACTION ACCOMPLISHMENTS. LACK OF AVAILABLE FUNDING FOR SUPERFUND ACTIVITIES WAS NOT A CAUSE FOR THE LIMITED PROGRAM ACCOMPLISHMENTS. IN FACT, SUPERFUND OBLIGATIONS LAG FAR BEHIND THE SPENDING LEVELS APPROPRIATED BY THE CONGRESS. AS OF MAY 31, 1982, EPA REPORTED CUMULATIVE OBLIGATIONS OF \$105.6 MILLION FOR ALL SUPERFUND ACTIVITIES. EPA'S APPROPRIATION FOR THIS PERIOD WAS NEARLY \$265 MILLION.

MR. CHAIRMAN, THIS CONCLUDES MY STATEMENT. WE WILL BE PLEASED TO RESPOND TO YOUR QUESTIONS.