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ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 12, 2013

Mr. David M. Bearden
Specialist in Environmental Policy
Congressional Research Service
Library of Congress
101 Independence Avenue, S.W.
Washington, D.C. 20540

Dear Mr. Bearden :

Thank you for appearing before the Subcommittee on Environment and the Economy on Wednesday, May 22, 2013, to testify at the hearing on three legislative proposals entitled the "Federal and State Partnership for Environmental Protection Act of 2013"; the "Reducing Excessive Deadline Obligations Act of 2013"; and the "Federal Facility Accountability Act of 2013."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Wednesday, June 26, 2013. Your responses should be e-mailed to the Legislative Clerk in Word format at Nick.Abraham@mail.house.gov and mailed to Nick Abraham, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman

Subcommittee on Environment and the Economy

cc: The Honorable Paul Tonko, Ranking Member,
Subcommittee on Environment and the Economy

Attachment

The Honorable John Shimkus

1. EPA must already consult States in selecting a removal action (40 CFR 300.525), would codification of that regulation in statute change the status quo?
2. States may perform certain removal-type actions that obviate the need for an EPA removal action at the site, contribute to the benefit of the long-term remedial action, or reduce the cost of the long-term remedial action at the site. Do States typically get credit for this work toward the 10% cost-share under 104(c)(3)?
3. Does allowing States to get credit for these removal-type actions somehow require that there be a cost-share for removal actions?
4. Is the concept of providing credit for in-kind contributions (toward the 10% cost share for remedial action) a novel concept under CERCLA? If not, please explain the context in which in-kind contributions are permitted?
5. Please explain the contrast between how a currently owned federal facility would fund a cleanup versus how formerly owned defense sites would pay for a cleanup generally and does that funding mechanism also apply with respect to compliance with State cleanup requirements.
6. Has CRS identified inconsistencies among the EPA Regions with respect to interpretation and implementation of policies regarding remedy selection, listing sites on the National Priorities List, or with respect to remediation at federal facilities?
7. Does EPA currently have authority to ensure that other federal agencies rules, regulations, policies, interpretations and application to sites concerning the implementation of CERCLA Removal and Remedial Programs are consistent with EPA rules, regulations, policies, interpretations? If so, please identify the authority.