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

COMMITTEE ON ENERGY AND COMMERCE

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October 8, 2015

Mr. J. Alfredo Gomez
Director
Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Gomez:

Thank you for appearing before the Subcommittee on Environment and the Economy on Friday, September 11, 2015, to testify at the hearing entitled "Oversight of Federal Facility Cleanup under CERCLA."

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 with a transmittal letter by the close of business on Monday, October 22, 2015. Your responses should be mailed to Will Batson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed to Will.Batson@mail.house.gov.

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

Additional Questions for the Record

The Honorable John Shimkus

1. Your testimony at the September 11, 2015 hearing stated that the Departments of Agriculture and Interior have identified thousands of contaminated sites but that their inventory, particularly for abandoned mines, is incomplete unreliable. What should the Department of Agriculture and the Department of the Interior do to ensure that their inventories – especially the inventory of abandoned mines – are complete and reliable?

The Honorable Frank Pallone

During the second day of this hearing, state witnesses testified about potential issues related to agencies that are responsible parties asserting “Lead Agency Authority”

1. Can you explain what this authority is and why your Department makes use of this authority?
2. Does this authority apply differently at National Priority List sites and non-NPL sites?

According to state testimony, assertions of lead agency authority were more of a problem before 2008.

3. Please explain what your Department has done since 2008 to improve working relationships with states when your Department leads cleanups?

Similarly, state witnesses expressed concerns that, primarily before 2008, agency claims of sovereign immunity frustrated cleanup efforts.

4. When and why might your Department or employees of your Department claim sovereign immunity in the context of Superfund cleanups?
5. What has your Department done since 2008 to limit claims of sovereign immunity?

Lastly, state witnesses at the second day of this hearing raised the concern that priorities for cleanups are not always determined based on risk. Obviously, limitations on resources for cleanup make prioritization necessary and important.

6. What factors does the Department consider in making funding decisions for cleanups across your inventory of contaminated sites?
7. What does your Department do to ensure that contaminated sites posing serious or immediate threats to human health are cleaned up quickly and effectively?
8. How does your Department ensure that budget requests will be sufficient to cover pressing cleanup needs?
9. Did the 2013 government shutdown affect your ability to meet your cleanup obligations on schedule?