

RECORD VERSION

STATEMENT BY

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BEFORE THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

COMMITTEE ON GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES

SECOND SESSION, 107TH CONGRESS

JUNE 26, 2002

PROGRESS ON SPRING VALLEY CLEANUP PROJECT

**NOT FOR PUBLICATION UNTIL
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Madam Chairwoman and members of the subcommittee, I am pleased to have this opportunity to testify concerning the Army's progress in identifying and cleaning up DoD contamination resulting from World War I era defense activities at the Spring Valley Formerly Used Defense Site (FUDS). I will also address the draft General Accounting Office (GAO) report entitled: Environmental Contamination: Many Uncertainties Affect the Progress of the Spring Valley Cleanup (GAO-02-556).

As the Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), I oversee environmental, safety and occupational health programs within the Army, including restoration, compliance, pollution prevention, environmental technology, occupational health and safety. My responsibilities include the development of Army policy and guidance, oversight of programs and their implementation at Army installations all over the world.

The FUDS Program is part of the Defense Environmental Restoration Program (DERP), which was established by Congress in 1986. Under the DERP, the Department of Defense (DoD) has the authority and funding to respond to releases of hazardous substances or pollutants and containments caused by Defense activities. FUDS are properties that the military services owned, leased, possessed, or used prior to 1986. The Army is the DoD Executive Agent for the FUDS Program, having responsibility for all sites, regardless of which military service used the site. I am the senior Army official who oversees Executive Agent activities. The Corps of Engineers (CoE), which is well suited to the task because of its technical expertise, experience, and organizational capabilities, executes the program through its geographic Divisions and Districts.

On July 27, 2001, I provided written and oral testimony to this Committee on the FUDS program, the Army's role in the program, and the status of the Spring Valley cleanup. Today, I would like to update you on progress made at Spring Valley and also to discuss our response to GAO's draft report.

Last July, I testified that the Army's number one priority for Spring Valley is to ensure that any remaining Defense related contamination that presents a risk to human health and the environment is quickly identified and eliminated. We remain committed to this goal and have been working closely with the community and regulators to complete a safe and thorough cleanup.

Over the past year, we have made considerable progress on a number of different fronts.

Investigation and cleanup

- In October 2001, the Army completed the removal of contaminated soil at the American University (AU) Child Development Center. The site has been restored using clean fill. Although the University has not yet reopened the Child Development Center, pending completion of work on a nearby athletic field, we expect them to do so once that work is completed later this year. Soil removal in other areas of the AU campus is scheduled to begin this month.
- In addition to the work at the Child Development Center, the Army has tested over 1,400 Spring Valley properties for arsenic contamination. We have received results for approximately 1,100 of these properties, and of those, 146 require follow-on grid sampling. The results of this soil sampling also indicated that an expedited response action is required for seven properties. The contract for this work has been awarded, and soil removal and replacement is scheduled to start in early July. As a result of this comprehensive characterization effort, the Army has a better understanding of the nature and extent of arsenic contamination in the Spring Valley community and has developed a plan to address it.
- Restoration of the Korean Ambassador's property to its original condition is being completed with the removal of contaminated soil, replacement with clean fill, and completion of landscaping.

- Work on the unoccupied property next door to the Ambassador's residence continues. Following the discovery in May 2001 of a former burial pit, the Army excavated and removed almost 400 ordnance-related items and research-related glassware. Most of the excavation was completed before the Right of Entry expired in May 2002. Despite lengthy discussions, the Army has not yet been able to obtain a renewal. As a result, the containment facility has been dismantled and the pit has been filled in. Plans call for completion of the work in 2003.

Regulatory Involvement and Cooperation

- Such progress would not have been possible without the extensive involvement and cooperation of regulatory oversight agencies, specifically the D.C. Department of Health (DC Health) and the Environmental Protection Agency (EPA). Both have worked closely with the Army to ensure the highest level of confidence in the investigation, assessment, and response phases of the work.
- A Senior Executive Review Group (SERG), composed of senior officials from the Army, the EPA, DC Health, the Army's Center for Health Promotion and Preventive Medicine (CHPPM), the Agency for Toxic Substances and Disease Registry (ATSDR), and Restoration Advisory Board (RAB) has been established for this project. This group met in February 2002 to discuss outstanding issues and review project progress.
- After considerable study and review, the Army, EPA, DC Health, and the Mayor's Scientific Advisory Panel have agreed to a property-wide cleanup level of 20 parts per million (ppm) for the arsenic-contaminated soil remediation. With the standard now set, cleanup activities can proceed and results measured with assurance that the response has been successful.

Community Involvement

- Defense and Army policies continue to stress the importance of regulatory and community outreach. After the discovery of munitions by a construction crew in 1993, the Army conducted extensive outreach to the community. This included development of a Public Involvement and Response Plan that had the specific objectives of keeping the community informed; providing an opportunity to review and comment on work being conducted; and ensuring that community concerns are integrated into plans and actions.
- The Restoration Advisory Board (RAB) was established in May 2001 and serves as one mechanism by which the community can become involved and voice its views. The Spring Valley RAB meets monthly and provides valuable input to the project planning and decision making process. These meetings are open to the public and provide a venue for all Spring Valley residents to gain an understanding of both ongoing and future work.
- The Corps of Engineers updates the Spring Valley web site regularly. This site provides the public with links to articles, project specific information, photographs, minutes of RAB meetings, and a vast amount of information on the Spring Valley cleanup. The website address is <http://www.nab.usace.army.mil/projects/WashingtonDC/springvalley.htm>

Funding

- The Army has programmed over \$17 million fiscal year (FY) 2002 funds for the cleanup. This amount includes an increase of \$5.2 million in February 2002 to meet emerging, unprogrammed requirements that require immediate action.
- So, as you can see, a lot of progress has been made in several areas over the past 11 months. Our work is not yet completed, and we have much to do now

and into the future. But I believe that the Army has demonstrated its resolve to address its responsibilities aggressively and completely. Such progress would not have been possible without the active involvement of our regulators, EPA and DC Health; the scientific expertise of the Scientific Advisory Panel and the ATSDR; the technical expertise and dedication of numerous military and civilian professionals in the Corps of Engineers; and most important the direct and active interest and involvement of the community. I would also like to acknowledge the indispensable role that the Congress has played in ensuring the availability of the funds necessary to discharge our responsibilities here and at other FUDS. None of these advances would have been possible otherwise.

I would like to conclude with a few observations concerning the draft GAO Report entitled: Environmental Contamination: Many Uncertainties Affect the Progress of the Spring Valley Cleanup, dated May 2002. The Army believes that GAO did a professional and accurate job of reporting their findings and generally agrees with the report.

We agree with GAO that there are uncertainties associated with the Spring Valley cleanup. We believe it is important to note, however, that uncertainties are not unique to the Spring Valley site. Every environmental cleanup involves unknowns, regardless of the locale, type of contaminants, or entity conducting the cleanup. Spring Valley is a highly complex project involving conventional munitions, chemical warfare materials, and hazardous wastes. Our understanding of the site has changed drastically over the past 10 years, and information available to decision makers will continue to improve. By working systematically and cooperatively, the Army is attempting to reduce the uncertainties associated with the nature and extent of contamination, the risk to human safety and health and implementation of the appropriate response actions. As the site characterization process continues, the Army, with its regulatory partners--the DC Department of Health and the EPA--will continue to address each discovery in the same deliberative and responsive manner.

GAO noted that the Army, EPA and DC Health have adopted a partnership approach to Spring Valley cleanup decisions. We appreciate the substantial commitment of resources that our regulators have made to ensure their active, integral participation in all aspects of the decision making process. The cooperative relationship among the three agencies should serve as a model for regulatory relationships. Each agency's commitment to the partnership and dedicated participation in critical decisions has led to substantial progress in effectively addressing contamination arising from war preparation activities of almost a century ago.

I would like to provide two specific examples of how each partner has been integrally involved in key decisions. After the community requested that more extensive sampling be conducted, the partners jointly developed a comprehensive sampling plan that addressed every property and focused on points of interest. The community accepted the jointly developed plan, and we began to implement the plan last May. We will complete sampling in August 2002, only a couple of months from today.

The second example of successful partnering is the establishment of a site-wide cleanup level for arsenic. The Army identified several alternative cleanup levels based on health protection and risk. EPA proposed a different cleanup level based on their experience with sites in the general area of Spring Valley and factors such as background level. The EPA-proposed level was slightly higher than background, yet lower than non-cancerous hazard level. After considerable discussion among all agencies, and after obtaining the Scientific Advisory Panel's review and concurrence, all agencies agreed to support the EPA-proposed level.

This collaboration among the partners, in contrast to a potential enforcement approach, has resulted in a more timely and cost effective cleanup. The Army has every reason to expect that this relationship will continue to be effective into the future.

As GAO recognized in its report, DoD has established a systematic means of communicating information to and receiving input from the residents of Spring Valley

and interested members of the public. We have invested considerable resources to do so, and community interest and support has been high. The RAB has been in place for over a year, several public meetings have been held, newsletters are published regularly, and an information repository is maintained and consulted. We have expanded the availability of information regarding Spring Valley through our extensive Internet site. We will continue to make community involvement a key part of the process.

In regard to funding, DoD has continually demonstrated our financial commitment to completing the cleanup at the Spring Valley site. Over the last 10 years, the Army has allocated over \$50 million to this cleanup. The Army intends to continue this high level of funding support for the next five years. At this rate, we anticipate having remedies in place for all known contamination at the Spring Valley property by the end of 2007. Our funding plans represent a balance between national program requirements, and the needs at this property.

Based on our experience with Spring Valley, the Army initiated a program to identify FUDS that may raise similar concerns, to prioritize the sites for characterization, and, where necessary, to initiate clean up at these sites. The Army views the identification, assessment, and cleanup of FUDS as a responsibility it has to the American people.

In conclusion, I would like to emphasize the Army's continued commitment to the cleanup of Spring Valley. We have dedicated the expertise and level of funding to ensure that this project moves forward as a priority. The Baltimore District Corps of Engineers continues to oversee the technical aspects and day-to-day operations of this project in an exemplary manner. Colonel Charles Fiala, Commander, Baltimore District, is here today to present testimony on the Corps' on-site activities. I will continue to monitor progress on a regular basis and be involved in critical decisions.

Thank you for the opportunity to testify on our progress on this important project.