

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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May 24, 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

It has come to my attention that there is a substantially large balance in the EPA Superfund Trust Fund Account.

According to the Office of Management and Budget's Appendix to the FY 2012 budget of the U.S. Government, released in February 14, 2011 as part of the President's FY2012 budget request, as of the beginning of FY 2011 (October 1, 2010), the unobligated balance of EPA's Superfund Trust Fund was \$2,257,000,000.

The \$2.26 billion is uncommitted in the Superfund program. Further, OMB estimates that this amount will grow to \$2.338 billion by October 1, 2011. When combined with anticipated FY 2012 appropriations, OMB estimates that EPA will have \$3.844 billion in total budgetary resources in the Superfund Trust Fund for FY 2012.

It is not unusual to have an office carry over a balance from year to year. At the beginning FY 2011, OMB reported that the Department of Defense had a balance of \$229 million and the Department of Energy had a balance of \$47 million for their respective cleanup accounts.

It is unusual to have an office carry over an amount that is over one and a half times its total fiscal year request. Considering that EPA's FY2012 Superfund request is \$1.24 billion, I am sure you will agree that this is a staggering amount. To further put the above figures in perspective, EPA's total FY 2012 budget request to run the entire agency is \$8.97 billion. So currently EPA is holding almost one quarter of its total budget in its Superfund account and not using it to advance the cleanup of sites and protect human health and the environment. OMB projects that in FY 2012 EPA's Superfund Trust Fund will hold an amount that is almost half of the entire EPA budget including requested appropriations.

With this in mind, I would like answers to the following questions:

1. Why has this unobligated balance grown so much?

The Honorable Lisa Jackson

May 24, 2011

Page 2

2. Why is EPA requesting FY2012 funding when they are sitting on funding that totals more than FY2011 request?
3. Does EPA plan to obligate this money? By what time and for what sites?
4. Your agency has consistently said that your pace of cleanup is directly tied to your funding levels. Since the pace of construction completions is at an all time low, why is EPA not using these funds?
5. EPA's FY2012 budget calls for reinstating the "Superfund Tax." OMB estimates that the tax will generate \$1.6 billion in FY2012. Why is EPA calling for a reinstatement of the tax when, as of October of 2011, the Agency will have at least the amount of revenue it would generate from the tax, in available unobligated balances for the Superfund program?

I would appreciate your prompt attention to this matter. If you have any additional questions, please contact Matthew Hite of my staff at (202) 224-6176.

Sincerely,



James M. Inhofe

Ranking Member

Senate Committee on Environment and Public Works

cc: OMB