

Hearing by Rep. Betty McCollum

Statement by: Martin Wangenstein, P.E., P.G., Vice President, Federal Programs, Bay West LLC

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The Bell Museum, 2088 Larpenteur Avenue West, Saint Paul, MN 55113

Congresswoman McCollum, thank you for the opportunity to discuss our views of priorities for Congressional appropriations in support of environmental programs.

Introduction:

My name is Marty Wangenstein. I am the Vice President of Federal Programs at Bay West LLC, an environmental consulting firm based right here in the 4th District of Minnesota. I appreciate the opportunity to testify before you today.

Bay West is very much a home-grown company. We were founded in Duluth, MN in 1974 and moved to St. Paul in the 1980s. Our first contract with the federal government was associated with debris removal and management to support a Ft. Snelling Cemetery expansion project in 1995.

In the intervening 25 years we have grown to over 200 employees. Bay West focuses on environmental investigation and remediation of soil, water, radiological, and munitions-related contamination and we have executed projects in 45 states. We have supported the US Environmental Protection Agency, the Departments of the Army, Navy and Air Force, and the Department of Energy. Today we have on-going projects in 18 states and to date we have provided over \$350 million in environmental remediation services to the federal government. I believe we have a unique perspective on federal environmental programs.

Today I will speak about our perspective of priorities that Congress should consider as it appropriates funding for environmental programs for FY 2021.

Efficient clean-up of closed federal facilities and installations:

Bay West is currently assisting in the investigation and cleanup of eight federal facilities that closed due to change of mission, excess inventory, or obsolescence. In some cases, the facilities have been closed for decades. When this happens, the environmental cleanup associated with the installation is extremely challenging and can be very expensive.

Too often we see a number of factors, including a lack of funding, drive inefficiencies and cost increases into remediation activities that, by law, must be accomplished.

As one example, we are currently involved in the remediation of 355 acres of land at the former Umatilla Army Chemical Depot in Hermiston, Oregon. This portion of the base, where the

Army destroyed conventional munitions for decades, was closed under a previous round of Base Realignment and Closure (BRAC). We are making tremendous progress in clearing the area of munitions and related contaminants, so the land can be put back into productive use. To date we have fully cleared approximately 157 acres of land and removed over 148,760 items of munitions and explosives of concern (MEC). However, additional funding will be required to complete the remaining 197.43 acres of the project site.

In spite of the fact that the cleanup is governed by a Federal Facilities Agreement, which is a legally binding document that stipulates cleanup standards and timeline, the Army has indicated that it will not complete the cleanup since no additional funding is available once our current contract funding is exhausted. When the Army funds the continued cleanup in the future, we estimate that there will be a minimum of \$10 million in duplicated costs to restart the project.

We encourage Congress to appropriate sufficient funds to allow agencies to complete environmental remediation of closed facilities in the most cost-effective means possible and avoid unnecessary duplicative spending on remediation efforts.

Per- and polyfluoroalkyl substances (PFAS):

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that have been manufactured and used in a variety of industries since the 1940s. In 2016, the Environmental Protection Agency issued a lifetime Health Advisory (HA) for PFOS (perfluoro octane sulfonate) and PFOA (perfluorooctanoic acid) in drinking water of 70 parts per trillion. Bay West is currently involved in the investigation and/or treatment of PFAS-related groundwater contamination at five active and former installations around the country.

The Department of Defense has identified 401 active and former installations with at least one area where there is a known or suspected release of PFOS or PFOA¹. It is proactively pursuing cost-effective treatment options under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). In so doing, some of the necessary investigation and remediation activities are diverting funds from non-PFAS cleanups to PFAS efforts, thus delaying the completion of those projects².

We encourage Congress to appropriate sufficient funds to allow DoD agencies to fully investigate and treat PFAS at its active and closed bases while maintaining funding for on-going DoD cleanup actions.

Optimizing Federal Environmental Remediation Remedies:

The CERCLA Act stipulates a multi-step approach to completing environmental remediation on federal projects that are under the jurisdiction of the act. Those steps include³:

- Preliminary Assessment (PA)

¹ Department of Defense Drinking Water Contamination Report to Congress, July 2019.

² Department of Defense Drinking Water Contamination Report to Congress, July 2019.

³ "Superfund Cleanup Process," <https://www.epa.gov/superfund/superfund-cleanup-process>

- Site Inspection (SI)
- Remedial Investigation (RI) / Feasibility Study (FS)
- Record of Decision (ROD)
- Remedial Design/Remedial Action - Construction
- Remedial Action-Operation (RA-O)
- Long-term Management (LTM)

We encourage federal agencies to emphasize the use of investigation and remediation approaches that result in lower life-cycle costs to complete the cleanup. Examples of this might include ensuring adequate funds are available for: robust up-front investigations minimizing time and cost associated with multiple investigation events; and, aggressive source-area treatment/removal to reduce the remediation timeframe and associated longer-term RA-O/LTM costs.

Whether it is due to regulatory uncertainties or limited short-term funding, federal agencies are sometimes reluctant to make these types of up-front investments to minimize project life-cycle remediation costs.

We encourage Congress to appropriate sufficient funds to support the federal government's optimization of environmental cleanup actions thereby reducing future life-cycle costs.

Small Business contributions to the federal environmental program:

The DoD has a goal of awarding approximately 22% of Prime contract dollars to small businesses in 2020. DoD has increasingly relied upon small businesses to satisfy their environmental investigation and cleanup requirements as a value-added means of meeting its small business goals. Small businesses have demonstrated the ability to successfully execute large federal environmental cleanup projects valued at upwards of \$100M. We encourage Congress, through the continued use of small business contracting goals for federal agencies, to support the use of small businesses in its environmental cleanup procurement strategies.

Thank you again for inviting us to discuss our perspectives on funding priorities in the federal environmental programs. We sincerely appreciate the opportunity.