

# EPA Takes Aim at Pentagon Pollution

With Democrats in power, the agency renews effort to force the nation's biggest polluter to clean up its act

BY REBECCA ADAMS

NEXT MONTH, LISA P. JACKSON is tentatively scheduled to make her first visit as EPA administrator to a superfund hazardous waste site.

But rather than inspecting a manufacturing facility or a subdivision poisoned with chemical byproducts, Jackson will be making the rounds at Fort Meade, a Maryland military installation best known as the headquarters of the National Security Agency. In addition to the super-secret spy operation, the base also now says it hosts 35 hazardous waste sites, and 10 others are nearby, including disposal areas with unexploded ordnance and a waste dump from the 1940s that was found near homes and an elementary school.

Obama administration officials hope to use the visit to announce a new cleanup agreement — and to jump-start more cleanup efforts at military facilities. The Defense Department is the nation's largest polluter, with some 10,000 sites in need of cleanup. Critics say that as a government agency, the Pentagon should be more vigilant in taking measures to protect public health.

The visit will also signal the new administration's determination to sort through the jurisdictional turf wars that have chilled relations between the Pentagon and the EPA. Last year, under the Bush administration, the Defense Department took the unusual step of refusing to accept EPA orders committing it to cleanup schedules at Fort Meade and 11 other sites contaminated with Pentagon-



SCRUBBING CLEAN: A cleanup pump and treatment center for a trichloroethylene-contaminated site at Camp Lejeune, a U.S. Marines facility in North Carolina.

generated waste. Environmental advocates castigated the Pentagon for the move, which they say abridged fundamental requirements of environmental laws that gives the EPA authority over polluters, including those at other federal agencies.

Disputes over efforts by regulators to control Pentagon polluting have simmered for decades, at both state and federal levels. They came to a head during the Bush era, with facilities such as Fort Meade among the chief flash points. Although officials have detected significant concentrations of heavy metals, arsenic and other pollutants on the base, Army authorities had resisted signing commitments

to clean the sites, arguing initially that they were not compelled to accept the terms the EPA has laid out.

More broadly, Pentagon officials have long argued that concerns over environmental protection should take a back seat to military readiness and national security matters. Defense officials have proposed military exemptions from more than half a dozen environmental laws affecting air quality, water quality, hazardous waste and other environmental regulations, but they were able to shepherd into law only a handful of those proposals involving limited exemptions to Endangered Species and wildlife protections.

And Pentagon officials sometimes slow-walked plans to conduct comprehensive site-by-site cleanups, according to veteran environmental officials and environmental advocates.

"The environment wasn't exactly a high priority in the last administration," said Sherri Goodman, the Defense Department's chief environmental officer under President Bill Clinton. But now, she said, "it's time for DoD to comply with the law and move on."

That may be the emerging view in the Pentagon, as well. A tentative thaw in the regulatory feud appeared to be taking hold last month, when Bush-era holdovers at the Pentagon signaled that they would give environmental cleanup a higher priority under the new administration. In February, Wayne Army, the deputy undersecretary of Defense for installations and environment, told the EPA that the Pentagon would start negotiating the superfund cleanup contracts that it contested last year. Earlier this month, the Navy endorsed two previously disputed agreements concerning sites under its jurisdiction.

#### WINDS OF CHANGE

The shift in Pentagon strategy is largely a recognition of Washington's recent political realignment. Democrats favoring more aggressive cleanups now firmly control the White House, Congress and the EPA's managerial ranks. But pressure on the Pentagon has built up on other fronts as well. Maryland and several other states have filed, or threatened, lawsuits protesting the Pentagon's resistance to cleanups, and the Bush administration's Justice Department confirmed in December that the law requires the Pentagon to comply with EPA cleanup orders.

"The communications definitely improved a lot," said Charles Reyes, the federal facilities staff associate at the Association of State and Territorial Solid Waste Management Officials, an organization supporting state environmental agencies.

That is not to say that the EPA plans to ease up on the Pentagon. The agency may ask Congress to update federal laws to make it clear that the EPA has the final authority to set cleanup requirements not just for sites on the superfund list — the nation's most hazardous waste sites — but also for lower-profile waste sites that have not made the list.

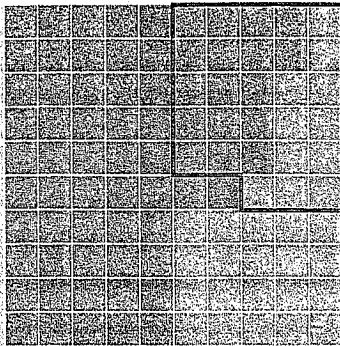
"The biggest decision is philosophical," said Lenny Siegel, director of the Califor-

## Cleanup Duty

Nearly 10,000 sites now under Pentagon supervision require pollution cleanups, according to the Defense Department — with more than 3,400 of that total seriously contaminated superfund sites.

**Total Defense Department waste sites: 31,487**

- Sites that have met cleanup goals: **21,635** (69 percent of total)
- Sites that have *not* met cleanup goals: **9,852** (31 percent)



Superfund sites (within orange border): **8,736**

- **5,287** (61 percent) have met cleanup goals
- **3,449** (39 percent) have *not* met cleanup goals

SOURCE: Department of Defense

nia-based Center for Public Environmental Oversight. He says the central question in the cleanup debate is "whether the military is above the law."

Sorting out responsibility for cleanup operations has been especially contentious in the transfer of military property under the Pentagon's 2005 base realignment and closing (BRAC) program. As military installations close, Defense officials often have sought to transfer some contaminated property to local governments or private developers along with the legal responsibility to handle the environmental cleanup. But some community groups complain that they haven't been given reliable information about the full scope of environmental damage at such properties. In several reports over the past two years, the General Accountability Office found that cleanup needs have contributed to slowing down the scheduled 2011 changeover for some military installations under the 2005 round of BRAC cuts.

#### A GOOD ENVIRONMENTAL CITIZEN

Pentagon officials insist that fundamentally the Defense Department is a good environmental citizen. Over the past several decades, more than 20,000 military sites have been largely cleaned up, although EPA officials are still monitoring compliance at many of those installations.

"DoD has made significant progress toward addressing those sites posing the greatest relative risks," Arny, the Pentagon's chief environmental officer, testified last September

before the Senate Environment and Public Works Committee. "A significant body of work remains ahead of the department, but we remain committed to completing these efforts."

The Pentagon carries out its cleanups under a program called the Defense Environmental Restoration Program, founded 23 years ago. The Pentagon spent an average of about \$2 billion per year, or less than 0.5 percent of its annual budget, on environmental restoration during the Bush administration. Pentagon officials say that marks a significant commitment to environmental cleanup. Army is now discussing superfund agreements with acting EPA enforcement chief Catherine McCabe, but the Obama administration has not yet signaled whether it plans to allot more money for environmental cleanups.

Meanwhile, the EPA may update the standards for Pentagon-generated substances it counts as hazardous pollutants.

Agency officials are considering setting tougher standards under the Safe Drinking Water Act for the types of chemicals that military bases often produce. Among the substances under consideration are trichloroethylene, a chemical used in degreasing equipment that can cause heart problems, serious liver injuries and neurological problems, and perchlorate, which researchers believe can cause cognitive problems in children.

During the Bush presidency, Defense officials asked the administration not to move forward on any new standards that would require adjustments in its operations, and it won the White House's support.

But John Reeder, an EPA official who oversees cleanups at federal facility sites, says he now plans to develop new strategies for cleaning up munitions sites, such as abandoned firing ranges where explosives were used. Reeder won't speculate on the future state of relations between the EPA and the Pentagon, but he notes that he has stepped up his inquiries to state officials and interest groups about how the agency can strengthen various cleanup laws pertaining to military installations.

"The dynamic has changed now," Reeder said. ■

**FOR FURTHER READING:** *Jackson confirmation, CQ Weekly, p. 139; regulatory outlook for Obama White House, p. 24; last base closings, 2005 Almanac, p. 6-8; superfund law (PL 96-510), 1980 Almanac, p. 584; Safe Drinking Water Act (PL 93-523), 1974 Almanac, p. 423.*