

United States Senate

WASHINGTON, DC 20510

June 30, 2008

The Honorable Robert Gates
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington DC, 20460

Dear Secretary Gates,

We are alarmed by recent reports that the Pentagon is obstructing efforts to clean up pollution at McGuire Air Force Base in New Jersey, Fort Meade in Maryland, and Tyndall Air Force Base in Florida.

Your efforts to prevent the Environmental Protection Agency (EPA) from overseeing the cleanup of toxic pollution at all three locations could endanger public health and harm the environment. This is unacceptable, and we urge you to rethink your strategy.

The EPA has found that pollutants which “present an imminent and substantial danger to the public health or welfare” have been released or are about to be released. For instance, at McGuire AFB the Department of Defense (DOD) has found toxins including PCBs, jet fuel, pesticides, volatile compounds, and TCE. TCE, in particular, is a carcinogen known for seeping into drinking water. Investigations at the Fort George G. Meade site revealed contaminants including solvents, pesticides, PCBs, heavy metals, waste fuels and waste oils as well as unexploded ordnance.

The Department of Defense has known about these problems for over 20 years. These sites have been listed as Superfund sites for almost 10 years. Yet the department has failed to act in an aggressive fashion to address these issues. Instead recent actions suggest an apparent attempt to minimize the problem, with the department going so far as to undermine efforts to set TCE limits for drinking water.

The EPA understands the hazards posed to the residents of our home states. To their credit, they realized that the DOD’s “voluntary cleanup” was simply a delay tactic, telling the *Washington Post*: “Under DOD’s management, some of these sites have languished for years, with limited or no cleanup” (“Pentagon Fights EPA on Pollution Cleanup,” June 30, 2008). As a result, the EPA issued “final orders” to develop a remediation plan and schedule.

The Department of Defense appears to be refusing to recognize the law, and has denied the EPA’s authority by refusing to sign the final orders. According to reports, you are going so far as to ask the Department of Justice to challenge the EPA and the Office of Management and Budget

to intervene. The intent of the law and of Congress is clear: the EPA has authority over the DOD in cleanup disputes.

Other Federal Agencies have had no problem understanding the law, and have signed similar final orders. Indeed, numerous military installations are included on the Superfund list and many of them have signed final orders in the past. Current reports that the Department is failing to abide by the law and past practice in the responsible cleanup of hazardous waste sites are deeply troubling.

We would like to know why your department is endangering public health, and we would like an immediate reply. We would like to know:

- Why is the DOD refusing to sign the EPA's final orders?
- Why has such little progress been made on cleaning up these sites?
- What has the DOD requested from the Department of Justice and OMB?
- Why has the DOD resisted EPA efforts to set pollution standards for perchlorate and TCE?
- When will clean up at these three sites be completed?

These concerns are not limited to the three bases in our home states, but have arisen at another 12 Superfund sites and at thousands of bases throughout the country. The Department of Defense appears willing to go to great lengths to avoid these cleanups.

We impress upon you that health and lives of Americans are at stake, and urge you to act immediately.

Sincerely Yours,


ROBERT MENENDEZ
United States Senator


FRANK R. LAUTENBERG
United States Senator

BENJAMIN L. CARDIN
United States Senator

BILL NELSON
United States Senator

BARBARA A. MIKULSKI
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