



Highlights of [GAO-09-278](#), a report to congressional requesters

## Why GAO Did This Study

Prior to the 1980s and the passage of environmental legislation—particularly the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) governing environmental cleanup—Department of Defense (DOD) activities contaminated millions of acres of soil and water on and near DOD sites. The Environmental Protection Agency (EPA), which enforces CERCLA, places the most contaminated sites on its National Priorities List (NPL) and requires that they be cleaned up in accordance with CERCLA. EPA has placed 140 DOD sites on the NPL. Disputes have recently arisen between EPA and DOD on agreements to clean up some of these sites. In addition, most sites were placed on the NPL before 1991; since fiscal year 2000, EPA has added five DOD sites. In this context, we agreed to determine (1) the extent of EPA's oversight during assessment and cleanup at DOD sites and (2) why EPA has proposed fewer DOD sites for the NPL since the early 1990s. GAO interviewed officials at EPA and DOD and reviewed site file documentation at four EPA regions.

## What GAO Recommends

GAO suggests that Congress consider amending CERCLA to expand EPA's enforcement authority. EPA agreed that such authority would help assure timely and protective cleanup. DOD disagreed, stating that EPA has sufficient involvement. We continue to assert that EPA needs additional authority to ensure that cleanups are being done properly.

To view the full product, including the scope and methodology, click on [GAO-09-278](#). For more information, contact John Stephenson at (202) 512-3841 or [stephensonj@gao.gov](mailto:stephensonj@gao.gov).

## SUPERFUND

### Greater EPA Enforcement and Reporting Are Needed to Enhance Cleanup at DOD Sites

## What GAO Found

EPA evaluates DOD's preliminary assessments of contaminated DOD sites but has little to no oversight of the cleanup of the majority of these sites because most are not on the NPL. Of the 985 DOD sites requiring cleanup of hazardous substances, EPA has oversight authority of the 140 on the NPL; the remaining 845 non-NPL sites are overseen by other cleanup authorities—usually the states. Our review of 389 non-NPL DOD sites showed that EPA decided not to list 56 percent because it determined the condition of the sites did not satisfy the criteria for listing or because it deferred the sites to other programs, most often the Resource Conservation and Recovery Act—another federal statute that governs activities involving hazardous waste. However, EPA regional officials were unable to provide a rationale for not listing the remaining 44 percent because site files documenting EPA's decisions were missing or inconclusive. In addition, EPA has agreements with DOD for cleaning up 129 of the 140 NPL sites and is generally satisfied with the cleanup of these sites. However, DOD does not have agreements for the remaining 11 sites, even though they are required under CERCLA. It was not until more than 10 years after these sites were placed on the NPL that EPA, in 2007, pursued enforcement action against DOD by issuing administrative orders at 4 of the 11 sites.

Since the mid-1990s, EPA has placed fewer DOD sites on the NPL than in previous years for three key reasons. First, EPA does not generally list DOD sites that are being addressed under other federal or state programs to avoid duplication. Second, DOD and EPA officials told us that, because DOD has been identifying and cleaning up hazardous releases for more than two decades, and improved its management of waste generated during its ongoing operations, DOD has discovered fewer hazardous substance releases in recent years, making fewer sites available for listing. Third, in a few instances, state officials or others have objected to EPA's proposal to list contaminated DOD sites, and EPA has usually declined to proceed further. For example, in five instances EPA proposed contaminated DOD sites for the NPL that were not ultimately placed on the list. At four of these sites, the states' governors did not support listing, citing the perceived stigma of inclusion on the NPL and potential adverse economic effect. EPA did not list the fifth site because, according to EPA regional officials, DOD objected and appealed to the Office of Management and Budget, which recommended deferring this listing for 6 months to give DOD time to address personnel and contractor changes and demonstrate remediation progress. EPA officials recently told us that cleanup has taken place at these sites and that it was unlikely or unclear whether they would qualify for placement on the NPL based on their current condition.