

Environmental Oversight of Classified Federal Research

From: "James R. Graham"

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Subject: Environmental Oversight of Classified Federal Research

I came across the following at <http://www.fas.org/sqp/othergov/gao.html> and thought it an appropriate post. The link is to the text in full, so the Grand, High, Exalted, Mystic Moderator may edit the out the following as it is a portion of said text if he so wishes.

james
--beware of red lazarbeams [sic]--

Environmental Oversight of Agencies' Classified Operations

According to EPA headquarters and regional enforcement officials, EPA and the states have been conducting enforcement activities at known classified federal research facilities, but management oversight of such enforcement has not been systematic. According to EPA, known facilities are inspected and required through EPA and/or state oversight to comply with environmental laws. However, neither EPA headquarters nor its regions have complete inventories of all classified federal facilities subject to environmental requirements, either nationally or at a regional level.

Instead, EPA headquarters and field enforcement officials said they depend on agencies to report the existence of their classified facilities, to report environmental monitoring data, and to cooperate with EPA and authorized states in assuring that such facilities are in compliance. They said they receive a degree of cooperation at known DOE and DOD classified facilities but are constrained by secrecy and need-to-know considerations. Then they receive cooperation, they conduct appropriate field enforcement activities.

In this regard, an ongoing lawsuit by former employees at an Air Force facility near Groom Lake, Nevada, alleged violations of RCRA, including EPA's failure to conduct a RCR inspection there. EPA has affirmed that EPA field inspectors conducted an inspection of the location pursuant to RCRA from December 1994 to March 1995. In August 1995, the U.S. District Court for the District of Nevada ruled that the plaintiffs' objectives in bringing the suit had been accomplished, in that EPA had performed its duties under RCRA to inspect and inventory the site.
(3)

In May 1995, EPA and the Air Force affirmed by a memorandum of agreement that EPA will continue to have access at the Groom Lake facility for purposes of administering the environmental laws and that the Air Force is committed to complying with RCRA at the location. The details of the issues resulting in the agreement are classified. According to the director of EPA's Office of Federal Facilities Enforcement, EPA is fulfilling its oversight responsibility at the facility. However, he said he was uncertain of the extent to which other such highly classified federal facilities-- or areas within facilities-- may exist and whether their research operations are in environmental compliance.

According to the director of federal facilities enforcement, the degree of EPA's involvement in classified activities may broaden in the future. The agency is currently working with the Air Force on a broader memorandum of agreement applicable to all classified Air Force facilities. Also, the director said that EPA held a meeting in 1995 with other agencies, including intelligence agencies,

concerning further possible memorandums of agreement similar to the one signed with the Air Force for Groom Lake. Also, EPA, in conjunction with agencies that have highly classified programs, is working on procedures for improved environmental regulation at classified installations.

Nevertheless, it is not clear that EPA will have the resources to oversee additional environmental compliance by any federal facilities. EPA's Office of Federal Facilities Enforcement is currently responsible for overseeing the cleanup of the 154 federal sites included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA has stated that it has the resources to oversee federal facilities' overall environmental management and compliance, but few additional resources for greater oversight of classified facilities.

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