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LANL

Revised

From: Lenny Siegel [lsiegel@cpeo.org]  
Sent: Friday, November 22, 2002 10:40 AM  
To: Military Environmental Forum  
Subject: Re: [CPEO-MEF] New Perchlorate Policy

Reference: Perchlorate

The Defense Department's new Perchlorate Assessment Policy, which I believe Mr. Woodley formally signed on November 21, 2002, is a small step forward, but it is more significant in what it doesn't promise.

First, by clearly authorizing perchlorate sampling, even in the absence of officially promulgated cleanup standards or other regulatory drivers, it allows installations to move forward with appropriate site characterization. As I read it, however, this is not an improvement over the draft policy CPEO posted in July.

In fact, by limiting such assessment to locations where "there is a reasonable basis to suspect ... a pathway where [perchlorate] could threaten public health," it ignores statutory requirements, in a number of states, to protect groundwater resources even in the absence of current beneficial use.

While I wouldn't argue such resource protection deserves the high priority that sites with likely or confirmed pathways require, early plume definition may make it easier to control contamination cost effectively at such lower priority sites. That is, the policy should allow assessment even in the absence of a pathway. Furthermore, The discovery of perchlorate at training ranges such as Camp Edwards (MA) and Camp Stanton (MD) suggests that virtually any infantry or Marine range may contain measurable levels of perchlorate contamination in soil or groundwater, and the sooner that is recognized, the better.

Furthermore, the policy appears NOT to authorize cleanup of perchlorate pollution once it is assessed. The July draft policy implied that Defense installations could fund cleanup or treatment if regulators ordered it, but the November policy is silent on the subject. That may encourage installations to fight cleanup orders, even where statute provides regulators with clear authority.

I expect the Army and Air Force, as well as military contractors who expect to pass on their cleanup costs to the Pentagon, to resist spending money on perchlorate cleanup until U.S. EPA and the states legally promulgate cleanup goals, simply because nationally the bill is likely to be in the billions of dollars. Meanwhile, the Defense Department will oppose and delay the establishment of any stringent standard.

As I've stated before, this is shortsighted. Responsible parties could design and even install extraction and treatment systems without agreeing to the proposed cleanup goal. More often than not, the target concentration will determine when action can stop, years from now, not when, where, and how it is started.

Delay without site-specific justification would not only threaten to expose the public to a health-threatening contaminant, but it would also allow perchlorate to continue migrating, thus making it more costly and difficult to address in the long run.

Lenny  
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