

Former ombudsman reaches deal, won't be returning to EPA

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WASHINGTON — Disappointing critics of the Environmental Protection Agency, Robert Martin, the agency's popular former ombudsman who quit after being forcibly transferred, has abandoned his quest to be reinstated by the agency.

After reaching a secret settlement with the EPA, Martin will not return to the post, even temporarily to complete work on several unresolved cases, including the Industrial Excess Landfill in Lake Township, his former chief investigator said.

Martin resigned from his watchdog post in April after charging that his transfer within the agency destroyed his independence.

Since then, Sen. Arlen Specter, R-Pa., and other lawmakers and citizens groups have beseeched the EPA to bring Martin back to complete more than a dozen unfinished investigations at Superfund hazardous waste sites.

The revelation earlier this month that the EPA had agreed to meet with Martin to try to resolve his grievances against the agency sparked hopes he might return temporarily, as he had requested.

The EPA and Martin reached a settlement Aug. 16 through mediation with the U.S. Office of Special Counsel. Martin had claimed he was transferred in retaliation for doing his job.

While the terms of the settlement are confidential, it apparently does not provide for Martin's return.

"He's got another job that he's going to be starting, and you'll hear about it next week," said Hugh Kaufman, chief investigator to Martin when he was ombudsman. Kaufman did not disclose Martin's new job but said it "will use his talents to help the people just like the ombudsman job."

Kaufman believes the former ombudsman received "some sort of financial settlement because he was harmed financially" by the transfer.

Chris Borello, the head of Concerned Citizens of Lake Township, was dejected when told Martin is not returning.

"Martin was our best hope in obtaining justice and a safe and permanent cleanup ... because of his lengthy involvement with our case and the very complex issues involved in the radiation controversy," she said.

Martin began but had not finished an inquiry at the landfill, where some citizen activists believe radioactive material was buried. The EPA says there is no evidence of radiation at the site.

As ombudsman for almost 10 years, Martin fielded questions and complaints from the public. He launched independent investigations at EPA hazardous waste sites. His inquiries often led him to make recommendations to the agency to reverse or modify its decisions.

Martin resigned from the ombudsman post April 22, saying the transfer of the function to the EPA inspector general's office destroyed its independence.

EPA Administrator Christine Todd Whitman contended the transfer would give Martin more independence.

Since then, the EPA has hired Mary M. "Peggy" Boyer, an EPA auditor, as acting ombudsman. Within the inspector general's office, the ombudsman no longer is allowed to mediate disputes between the public and agency. The ombudsman also is prohibited from talking with lawmakers or reporters without permission.

Martin was on vacation and unavailable to discuss his new job.

The terms of the settlement prohibit Martin or EPA officials from discussing it, a spokeswoman for the Office of Special Counsel said.