



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

APR 07 1993

MEMORANDUM

*Red L. HANZ FFLD/1000*

**SUBJECT:** Department of Energy Meeting Summary

**FROM:** Allen M. Davis *AM Davis*  
Director  
Hazardous Waste Management Division (6H)

**TO:** Tad McCall  
Deputy Assistant Administrator  
for Federal Facility Enforcement (LE-133)

The Department of Energy (DOE) met with Region 6 on Monday, February 22, 1993. The meeting we had was very productive and the Region appreciated the issues that DOE identified during its presentation. As a summary, listed below are the five items Region 6 agreed to during this meeting:

1. There need to be enforceable documents to facilitate the implementation of the facility specific compliance plans for the mixed wastes. These documents would be like a Federal Facilities Compliance Agreement (Agreement). The Region would be a party to the Agreements because Texas and New Mexico are not authorized for Land Disposal Restriction (LDR) regulations.
2. The Agreement should be a three party agreement between the Facility, the State, and the Region. It should identify projects and treatment that can be accomplished in the near term as well as long range research projects for wastes with no current technology. In the case of Los Alamos, the Agreement would be a two party agreement between the DOE and the EPA with a three party MOA to be negotiated later (see below).
3. There should be a Memorandum of Agreement (MOA) between the facility, the State, and the EPA to define the mechanism for transfer of regulatory lead from the Region to the State at such time as New Mexico becomes authorized for LDR.



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Here, the concept is that where the state lacks full authorization for LDR, the MOA or the Federal Facilities Compliance Agreement would phase in the state lead and phase out the EPA lead as follows:

Phase one - state lacks state authority for LDR - EPA has lead regulatory role.

Phase two - state has state LDR authority, lacks EPA authorization - EPA has secondary regulatory role.

Phase three - state is authorized for LDR - state has regulatory lead.

4. Nailing down the national long term R and D program for mixed waste treatment technologies, where technologies do not currently exist, is critical. If the states fail to agree with DOE on the long term program, DOE will be in for another 3 year exception and EPA and the states will be criticized for their failure to provide for the long term program. This state/EPA provision is particularly important in light of DOE's interest in piloting technologies at specific DOE installations. This could lead to technology centers. Obviously, states like Texas would have serious problems, if for example, Pantex was singled out as the center for in-situ vitrification. Therefore, the only way to sell the concept is a national plan, showing give and take among the states with respect to locating the technology centers. We understand that EPA has given a grant to the National Governors Association to facilitate meetings among the states, EPA, and DOE to facilitate the development of an acceptable long term R and D program. Region 6 offered to host such a meeting.
5. Region 6 agreed to discuss with Texas and New Mexico the concept of 3 party negotiated Federal Facilities Compliance Agreements for Pantex and Sandia and the MOA for Los Alamos. These agreements would address mixed waste for which treatment technologies currently exist and would accommodate the R and D program tied to the national plan.

I believe the EPA and the State authorities can effectively negotiate agreements with the DOE that will satisfy both the immediate situation as well as the Federal Facilities Compliance Act.

If this office can provide further information, please contact me at (214) 655-6701.

cc:

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