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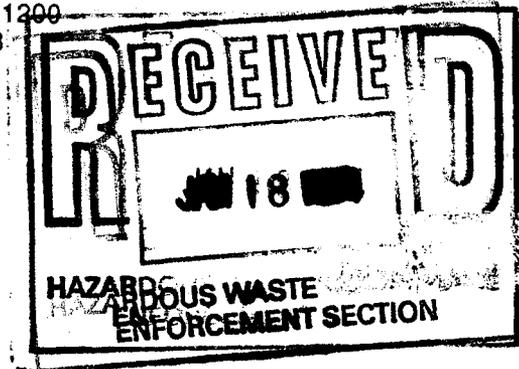


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 12 1993

Ms. Margaret Carde  
Nuclear Waste Project Director  
Concerned Citizens for Nuclear Safety  
107 Cienega  
Santa Fe, New Mexico 87501



Dear Ms. Carde:

Your November 1, 1993, letter to Deputy Administrator Sussman of the Environmental Protection Agency (EPA) has been referred to EPA Region 6 for response, since most of the concerns you expressed relate to Department of Energy (DOE) facilities in New Mexico and previous and pending actions by Region 6. We offer the following information and explanations in response to each of those concerns.

On September 30, 1992, Region 6 issued a Notice of Non-compliance (NON) to the Los Alamos National Laboratory (LANL) to address violations of the Resource Conservation and Recovery Act (RCRA), Land Disposal Restrictions (LDR) for mixed wastes. In order to bring the facility into compliance, Region 6 and LANL began negotiations for a Federal Facility Compliance Agreement (FFCA). During these negotiations, the Federal Facility Compliance Act of 1992 (the Act) was passed.

LANL and Region 6 reached an agreement in principle in June 1993. The draft FFCA was forwarded to DOE Headquarters for its approval, and the document was made available for public review and comment on July 30, 1993. At the request of several groups, including CCNS, the comment period was extended another 10 days. Therefore, the Draft FFCA was available for public review from July 30 until September 10, 1993. Notice of the comment period was placed in four New Mexico newspapers, and the Draft FFCA was placed at four public locations throughout the State. The public comment stipulation was above and beyond what is normally included in this type of enforcement action; however, Region 6 thought it was important to seek citizen involvement given the significance of the issues for the public and LANL.

Comments were received from several concerned groups, including CCNS. Region 6 is preparing a Response to Comments which should be issued in the near future. Furthermore, the Draft FFCA will be modified as a result of comments received. Some of the concerns expressed in your letter to Mr. Sussman were more fully elaborated in your comments to Region 6 regarding the Draft FFCA, and we believe our Response to Comments will address them fully.

The LANL FFCA provides for the safe and prudent management of mixed wastes and mandates the development of treatment technology. Region 6 also assured citizen involvement by incorporating into the Draft FFCA the requirement for public review.



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Region 6 provides aggressive environmental oversight at LANL. In July 1993, the National Enforcement Investigations Center (NEIC) conducted an in depth multi-media inspection of LANL. The New Mexico Environment Department (NMED), as authorized by EPA, conducts yearly RCRA Compliance Evaluation Inspections (CEI's) at LANL. EPA and NMED also jointly provide ongoing oversight of LANL's RCRA permit compliance.

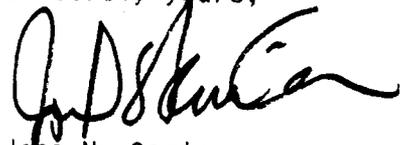
Concerning the pending Clean Air Act FFCA, Region 6 recently explained its position on citizen involvement in FFCA negotiations in a December 15, 1993, letter to Ms. Carol Oppenheimer of the Law Offices of Simon and Oppenheimer, which represents CCNS. In that letter, Region 6 stated its intention to provide substantial opportunities for citizen involvement. These opportunities will be in the form of a 60-day public comment period on the proposed FFCA, including a local public meeting during the comment period.

With regard to the recent EPA Headquarters reorganization, the reorganization did not evolve as you apparently were led to believe. The changes you described were among the original options considered. However, at least partly due to comments similar to yours received from numerous sources, they were rejected. The former Office of Federal Facilities Enforcement (OFFE) you referenced is now the Federal Facilities Enforcement Program (FFEP), located in the new Office of Enforcement and Compliance Assurance (OECA), directed by an Assistant Administrator. The Director of the FFEP reports directly to the Assistant Administrator and serves as the primary focal point within OECA for Federal facilities matters. This is a step higher than that for the former Director of OFFE.

The Assistant Administrator (AA) for OECA, assisted by a Deputy AA, oversees the OECA Federal facilities enforcement effort and is personally engaged on Federal facilities issues, especially high level issues requiring political attention. This high level placement of the FFEP is designed to give higher visibility to Federal facilities issues and demonstrate the importance of Federal facilities enforcement to the EPA Administrator.

We appreciate hearing your concerns. I look forward to future communication with you on these issues and future development of public involvement in environmental activities in New Mexico. I have also enclosed information you requested on suggested EPA Headquarters and Region 6 contacts regarding these and similar issues.

Sincerely yours,



JN  
Jane N. Saginaw  
Regional Administrator

Enclosure