



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAR 15 1994

Ms. Bonnie Bonneau
Legions of Living Light
Box 351
El Prado, New Mexico 87529

Re: EPA Response to Comments on the Los Alamos National Laboratory
Draft Federal Facility Compliance Agreement

Dear Ms. Bonneau:

Enclosed for your review is the "Response to Comments" prepared by the U.S. Environmental Protection Agency (EPA) Region 6 for the Los Alamos National Laboratory (LANL) Draft Federal Facility Compliance Agreement (FFCA, Agreement). These comments were received during the public comment period required by the terms of the Agreement (July 30 - September 10, 1993). Although detailed responses to your comments are presented in the enclosure, we present here an executive summary of the Region's response to your concerns.

On September 30, 1992, the Region issued a Notice of Non-compliance (NON) to LANL in order 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, the Region and LANL entered into negotiations for a FFCA.

LANL and the Region reached an agreement in principle in June 1993. The draft FFCA was forwarded to the Department of Energy (DOE) Headquarters for its approval, and the document was made available for public review and comment on July 30, 1993. 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.

It is important to note that the FFCA represents an agreed response to the NON, and it covers only those matters involving hazardous and mixed wastes specifically identified in the document. Any other RCRA violations will be addressed separately. Furthermore, the FFCA does not interfere with the ability of the State of New Mexico to ensure compliance with all applicable state regulations.

The FFCA is not, and has never been, construed as a substitute for the Mixed Waste Inventory Report or the Site Specific Treatment Plan or any other requirement of the Federal Facility Compliance Act of 1992 (the Act), and the FFCA does not relieve DOE



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or LANL from complying with the requirements of the Act. Therefore, the FFCA cannot be used by DOE or LANL to invoke sovereign immunity under the Act.

The main objective of the FFCA is to bring LANL into compliance with the requirements of the RCRA LDR provisions. Absent available treatment capacity and technology, LANL will have to develop these technologies in order to meet the LDR requirements. Obviously, mixed waste treatment must consider the radioactive component, and this added dimension complicates any treatment strategy. At present, technology is just too limited, or simply nonexistent.

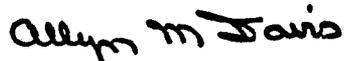
During the time LANL is developing specific treatment technologies it will have to maintain mixed wastes in otherwise RCRA compliant storage. This will ensure safe handling of the wastes and enable early detection of problems; eg., leaking drums.

The FFCA does not address any future changes in the scope of DOE operations. Should DOE change operations at LANL in a way that could impact compliance with the FFCA, the document will be modified to incorporate any necessary changes.

The Region apologizes for any difficulty you may have had getting information about this Agreement. At the end of the Enclosure you will find a list of contacts from whom you can obtain information regarding environmental issues at LANL and the FFCA.

Thank you for your comments; we appreciate your involvement in the development of the LANL FFCA. If you have any questions or require further information, please contact me or Joel Dougherty of my staff at (214) 655-2281.

Sincerely yours,



Allyn M. Davis, Director
Hazardous Waste Management Division

Enclosure