



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

Handwritten signatures and initials

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

COB g on

June 27, 1994



Mr. Thomas P. Grumbly
Department of Energy
Washington, D.C. 20585

Dear Mr. Grumbly:

Re: **Federal Facility Compliance Agreement**

Thank you for your May 10, 1994 letter to Governor King and the copy of the finalized Federal Facility Compliance Agreement (FFCA) entered into by the Department of Energy (DOE), Los Alamos National Laboratory (LANL) and the Environmental Protection Agency, Region VI (EPA) for mixed waste violations at LANL. These issues are of great importance to the State of New Mexico. As you know, the FFCA was amended to incorporate several concerns raised by the New Mexico Environment Department (NMED) during the comment period. Specifically, NMED was concerned that the FFCA would be used as a substitute for the State issued order or agreement required under the Federal Facility Compliance Act (the Act) to implement LANL's site specific treatment plan. Accordingly, the FFCA was amended to address NMED's concerns and provides that DOE must be in compliance with a NMED issued order or agreement implementing the plan under the Act.

It is unclear as to whether this is DOE's understanding based upon your statement that the plan will be integrated "with the enclosed Agreement." This is contrary to our understanding of the Act and the terms of the FFCA. As such, we would request clarification from DOE on this issue.

Sincerely,

Judith M. Espinosa
Judith M. Espinosa
Secretary

cc: Governor Bruce King
Jerry L. Bellows, USDOE
Allyn M. Davis, USEPA
David Vackar, Office of the Governor



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