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To Be with Janice T.O.

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RECEIVED

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November 19, 1996

NM ENVIRONMENT DEPARTMENT
OFFICE OF THE SECRETARY

Mr. Samuel Coleman
Compliance Assurance and Enforcement Division, 6EN-WT
Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: Proposed revisions by the Department of Energy (DOE) to Docket No. VI-96-1237, Federal Facilities Compliance Agreement (FFCA)

Dear Mr. Coleman:

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department (NMED) is in receipt of a copy of changes to the FFCA proposed by DOE. Staff have reviewed these changes and generally view them as corrections to administrative errors, with the exception, of one proposed change.

DOE has proposed a change in Part X.(B) Dispute Resolution which was quite disturbing. In effect, DOE has proposed eliminating comments from any other party which disagrees with the written notice of position.

If this proposal is approved by EPA, the affected parties, such as the State of New Mexico, will not have the opportunity to disagree with positions set forth in the FFCA between EPA and DOE.

NMED recommend's EPA reconsider DOE's proposed change and maintain the current language in the agreement.

If you have any questions regarding these concerns, please feel free to call me at (505) 827-2827. Your cooperation is appreciated.

Sincerely,

Glenn Saums
Program Manager
Point Source Compliance Section
Surface Water Quality Bureau

cc: Ed Kelley, Ph.D., Director, WWMD
G. Thomas Todd, Area Manager, DOE (LANL)
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