

RCRA Enforcement at DOE Facilities

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Gene Lucero, Director
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It has been the policy of Region VI to apply the RCRA regulations to all facilities, including those operated by DOE, except in the very limited instance provided for in Section 1006 of RCRA. However, our pursuit of an effective enforcement strategy at these facilities has been irregular and subject to conflicting Headquarters guidance. Lee Thomas' memo regarding RCRA regulation of wastes handled by DOE facilities, dated June 27, 1983, has further clarified the applicability of the RCRA regulations. We hope that subsequent guidance on effective enforcement is forthcoming.

Our experience with Los Alamos Scientific Laboratory, a DOE facility, exemplifies the problem:

On August 19, 1982, Region VI received a letter from Los Alamos notifying us that a waiver of groundwater monitoring requirements, in accordance with 40 CFR 265.90(c), had been implemented by the owner of that facility.

On June 20, 1983, Los Alamos declined to furnish an EPA Inspector with a copy of the groundwater monitoring waiver.

On July 1, 1983, Region VI sent a RCRA §3007 letter to Los Alamos, requesting the waiver.

On July 11, 1983, Region VI received a reply from Los Alamos, again declining to furnish the waiver and informing us, that in any event, DOE claims that the RCRA regulations do not apply to facilities operated under the Atomic Energy Act. A copy of that reply is attached.

As we understand the existing policy, the enforcement options are rather limited. At this time we are considering the possibility of withdrawing the facility's interim status. We would appreciate guidance from Headquarters concerning the enforcement options that may be exercised with regard to Los Alamos, in particular, and DOE facilities in general. We intend to delay taking enforcement action for two weeks, in order to allow time for your reply. For further information, please contact myself or Harriet Tregoning at (FTS) 729-9881.

Attachment

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6AW-HE:HTREGONING:ja:7/22/83:X2850:6AW-232:DUE: 7/22/83

CONCURRENCES

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