

# ROCKY FLATS GET MORE REGULATION

## Energy Department to Seek Permit for an Incinerator That Burns Plutonium

By MATTHEW L. WALD

In an agreement long sought by environmentalists, the Department of Energy has agreed to submit a plutonium-burning incinerator at the Rocky Flats nuclear weapons plant to regulation by Government officials.

But the decision appears to create additional problems for the department in coping with the buildup of hazardous wastes at the site, 18 miles from Denver, which processes plutonium for nuclear bomb triggers.

The plant may face a crisis in waste disposal next month, and the decision to apply for environmental permits, which will close the incinerator for a long time, sets the stage for a battle between the department and state and the Environmental Protection Agency. At issue is whether the materials that are supposed to be burned and the residue that is retrieved after the burning is waste or industrial material awaiting further processing.

A permit is certain to face public opposition and opponents say that it might never be granted.

In a suit filed Monday in Federal court in Denver, the department promised not to operate the incinerator "until such time, if any," as it receives a permit under the Resource Conservation and Recovery Act, which could be granted either by the E.P.A. or by Colorado.

### Recycling Material, or Waste?

The department had argued that the incinerator was not covered by the Federal act, which seeks to regulate the handling and disposal of toxic chemicals, because the incinerator handled recycled material, not waste.

The department said in October 1988 that it had closed the incinerator because of environmental problems in its operation. But in an affidavit used to obtain a search warrant, the Federal Bureau of Investigation said it had evidence that the incinerator was operated surreptitiously.

Cathy Kaliniak, a spokeswoman for the Energy Department in Washington, said yesterday that the department had changed its position and decided to wait for the permit "regardless of the fine legal points about its regulatory status." The decision was reached, she said, because Energy Secretary James D. Watkins had established environmental concerns as a top priority.

Adam Babich, a lawyer for the Sierra Club, which filed the Federal Court suit seeking enforcement of environmental laws at Rocky Flats, said getting a permit would take two or three years, if ever. "Regulation won't solve everybody's concerns, but at least it puts a layer of oversight into the process," he said.

### Deadline on Waste

The agreement stipulates that the department will hold a public hearing as part of the application process, but so far the department has not yet applied for the permit, Mr. Babich said.

The department is facing a deadline on shipment of plutonium-contaminated wastes. The waste, much of which includes poisonous solvents, have been shipped to the Idaho National Engineering Laboratory for storage, but Idaho Gov. Cecil Andrus has said he will cut off those shipments next month. Mr. Andrus wants the department to make permanent arrangements for the waste and to clean up contamination at the laboratory.

Meanwhile, the department has an agreement with the state of Colorado limiting its storage at Rocky Flats to 1,600 cubic yards and that space is running out. While Colorado is concerned about the waste, it has set conflicting goals. It wants the plant to remain open because it is a major source of jobs.

The department would like to ship the wastes to the Waste Isolation Pilot Project, near Carlsbad, N.M., but that disposal site has design problems.

Ms. Kaliniak said that Rockwell International Corporation, which operates Rocky Flats under contract, had submitted an extensive management plan to handle the waste, and that the department was reviewing it. The secretary of the Environmental Protection Agency said that the department was reviewing it.



Reference

