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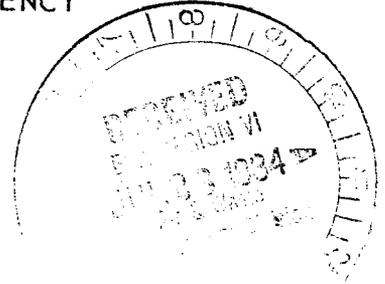
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: July 19, 1984

SUBJECT: Trip Report - Los Alamos National Laboratory

FROM: Russell F. Rhoades, Director *RR*
Environmental Services Division (6ES)

TO: Dick Whittington, P.E. (6A)
Frances E. Phillips, (6DRA)



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Report

In response to the attached invitation by Mr. Harold Velancia, Los Alamos Area Office Director, Dept. of Energy, to visit the Los Alamos National Laboratory (LANL) to discuss various aspects of environmental compliance, a meeting was held on July 6 between LANL officials, Peter Pache, New Mexico EID Hazardous Waste Management Program, Mr. Jim Highland, Federal Facilities Compliance Coordinator and myself. The agenda and list of LANL officials present is attached. In order to assure a coordinated approach with respect to mutual State/EPA regulatory concerns at the facility, Mr. Steve Asher, New Mexico EID Director, Peter Pache, Jim Highland and I met on July 5, from 4:00 to 4:30. The attached agenda was followed through the noon luncheon. However, at our request, the afternoon session was altered to allow for sufficient time to permit open discussion of issues outlined in Mr. Valencia's letter as well as address New Mexico's and EPA's compliance concerns.

Leading off the approximately one and one half hour discussion that followed the luncheon, I explained that I was representing the Regional Administrator and the Region's media programs solely in a liaison capacity. I then explained the organizational and functional relationships between EPA's media programs and the Federal Facilities Compliance Coordinator. I explained that the Region's individual media programs are responsible for assuring compliance with regulatory requirements at Federal Facilities and that the Federal Facilities Compliance Coordinator is responsible for functioning in a liaison role offering technical assistance where warranted. I then explained that while EPA's mission has always been that of a regulatory nature, during the past year the Agency had very significantly accelerated its efforts towards attaining compliance. I explained that the Assistant Administrator's Strategic Planning Management System (SPMS) for quarterly tracking compliance and his personal visits to all Regions meeting with regional senior staff to review compliance status had proven quite effective resulting in high levels of compliance, particularly in the private sector. It was explained that continual public and Congressional pressure to have a safe environment coupled with an awareness of considerable non-compliance existing at Federal Facilities has forced new initiatives at EPA emphasizing a more aggressive national address to these problems. As a consequence, environmental compliance at Federal Facilities has become a national EPA objective and has been incorporated into the Administrator's SPMS tracking system. Thus compliance efforts should be increasing in this regard.

I further explained that in those instances where EPA delegates regional programs to states, such as RCRA to New Mexico, the state will be required, through terms of delegation and grant conditions, to seek compliance to the same extent as would EPA.



It was acknowledged that since DOE and EPA are very large bureaucracies, both administering very complex and demanding programs with a variety of different actors involved, that chances for misunderstanding and poor communications abound. Therefore I emphasized the need for enhancing communications, basically advising Mr. Valencia and particularly his technical staff, to take the initiative to make timely contact with appropriate EPA media program personnel whenever there is any question regarding a regulatory requirement, etc.

With regard to specific issues , the following highlights discussion between LANL officials, Mr. Pache, Mr. Highland and myself:

1. Regarding the A-106 Federal agency budget review process, LANL officials expressed concern that EPA has made compliance demands upon the Laboratory to be accomplished during the current fiscal year which LANL believes can only be addressed through the budget cycle and could take 2-3 years to comply. This point was countered by noting that DOE has regular operating and maintenance funds which could be utilized pursuant to compliance and that most of the current regulatory concerns did not warrant a special capital project budget address. LANL acknowledged that certainly where serious non-compliance existed it would correct the problem in a timely manner. LANL officials however complained that each of EPA's individual media programs has demanded compliance within approximately the same general time frame regardless of actual environmental consequence of violations. LANL officials suggested that a more phased and integrated approach would be more realistic for the facility wherein the more serious problems, having the most significant environmental impact on a relative cross media basis, would receive the highest priority followed by those of less severe consequences.

The importance of compliance agreements was then discussed during which it was pointed out that such a mechanism, while developed on an individual media basis, provided address not only for immediate but long range compliance, provided federal agencies officially obligated themselves.

2. With regard to submission of the RCRA Part B Permit, LANL officials expressed apprehension that their application, regardless of how comprehensive, would be regarded by EPA as having deficiencies, but they believe the application will be completed and submitted by the Sept.1, 1984 deadline. LANL expressed concern that if deficiencies in the Part B application are identified they will be publicized in the news media before LANL is informed of such, which they claim was the case with respect to a news release regarding their PCB incinerator. Lab officials thus expressed their desire to be informed of problems prior to issuance of future press releases. Here again LANL was advised to directly contact EPA Region 6 staff personnel working in the RCRA program whenever a question or concern arose.

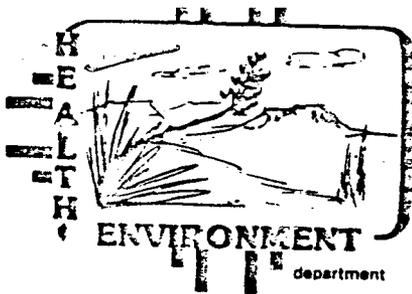
LANL stated that certain waste management staff were to begin an extended work week and approximately \$400,000 for contractual services had been set aside to assure timely submission of a completed Part B application. LANL indicated that certain issues such as the co-mingling of radioactive/hazardous waste remained unresolved and therefore address to such remained in question.

3. With regard to the NPDES Permit, LANL was advised that the compliance agreement will require amendment to incorporate significant non-complying outfalls which lack a compliance schedule. Additionally, some confusion surfaced since it appeared LANL, although operating under one set of permit requirements, was not operating under the most recently issued permit. In order to eliminate the confusion LANL was advised to contact Ben Villarreal, Region 6 Office of Water Programs.

Regarding the computer generation of DMR'S, LANL officials were advised that the concept (as previously advised by Reg. 6 Water Management Division) merited consideration and they should contact Ruth Gibson or Shirley Bruce, Reg. 6 Water Enforcement Branch. The State's recently issued Notice of Violation under the New Mexico Hazardous Waste Act was discussed. Mr. Pache indicated that part of LANL's response could be via a face to face meeting with State personnel, which may eliminate the need for a long detailed written response. Tours of the Hazardous Waste Management Facility and PCB incinerator in the afternoon were informative as well as allowed for further on site discussions of LANL Waste Management policy/strategy and non-compliance issues.

cc:

Al Davis, (6AW)
Myron Knudson, (6W)
Jim Highland, (6ES-F)



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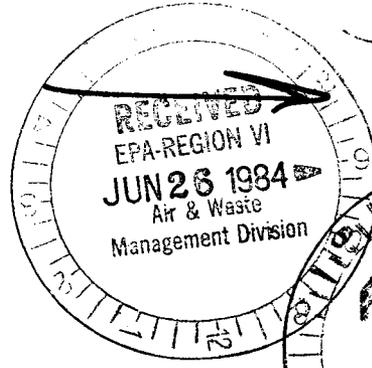
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cc: bD

June 18, 1984

Mr. Harold E. Valencia
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544



*0 Rhoades
cc bW
to An*

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Dear Mr. Valencia:

Because the New Mexico Environmental Improvement Division administers several environmental programs for the U.S. Environmental Protection Agency, I appreciate receiving a copy of your May 30, 1984 letter to Dick Whittington, EPA Regional Administrator. You listed seven program areas which you stated Mr. Whittington would be interested in reviewing and invited him to visit DOE's Los Alamos facilities for that purpose.

Whether or not Mr. Whittington is available for such a visit, I wish to advise you that I would certainly be interested. I believe such a visit by myself and several EID staff who are involved in the programs you mentioned would be mutually beneficial. A joint EPA/EID visit and briefing would, no doubt, be most effective.

In any case, I look forward to meeting with you.

Sincerely,

Steven Asher

Steven Asher
Director

- ~~1. Hill~~
- 2. Taylor
- 3. OLSC HEWSKY

SA/io

cc: Dick Whittington, EPA

Wm Rhoades