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Hank Daneman
1304 Calle Ramon
Santa Fe, NM 87501

Dear Hank:

We have been corresponding (by phone and E-mail) the past month and a half over the radioactive contamination (specifically tritium and Strontium 90) found in the perched groundwater in Mortandad Canyon at LANL. You have asked what action EPA can take to stop the discharge of partially treated liquid waste into the canyons and what can be done to accelerate the cleanup/investigation of the canyons from this liquid contamination.

The program that I work under, the Resource Conservation and Recovery Act (RCRA), administers the permitting and cleanup of hazardous waste at operating facilities. Under RCRA, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 is excluded from RCRA regulation. Therefore, the RCRA program has no authority to require LANL to stop discharging radionuclides or to accelerate cleanup of groundwaters containing radionuclides. It is also my understanding that the National Pollutant Discharge Elimination System (NPDES) regulations, which regulate the discharge of liquids to water bodies of the U.S., is exempt from regulating radionuclides covered under the Atomic Energy Act of 1954.

Another program at EPA that has the potential to satisfy the actions that you are requesting is the Superfund program. Please note that I emphasize the word potential. For the most part, Superfund addresses abandoned waste sites which contain hazardous substances. Radionuclides are included in the Superfund list of hazardous substances. In general, under the Superfund program, a waste site is evaluated and "scored" to determine whether the site warrants cleanup. If the site "scores" above a prescribed numerical value (28.5), then the site can be listed on the Superfund National Priorities List for "cleanup". Also, if an imminent and substantial threat to human health and the environment exists, then the Superfund program can require immediate actions to alleviate a threat. Please note that the Superfund program determines what is considered an imminent and substantial threat.



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As of now, I recommend continued communication with DOE in order to address the "actions" that you desire. Secondly, unless the laws are changed by Congress, EPA's authority to regulate radionuclides from DOE facilities, such as LANL, will continue to be limited.

If you have further questions regarding the Superfund process, please contact Don Williams at (214) 665-2197. If you have any questions regarding the NPDES program, please contact Scott Wilson at (214) 665-7511. If you have questions regarding the RCRA program, please call me at (214) 665-7442.

Sincerely yours,

Rich Mayer,
Environmental Engineer
New Mexico/Federal Facilities
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