

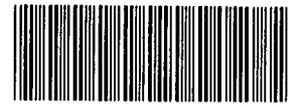


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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466



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Ref: 8HWM-FF

Mr. Richard Schassburger
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

NOV 18 1993

NOV 24 1993

re: Ponds IM/IRA

Dear Mr. Schassburger:

The Environmental Protection Agency (EPA) and the Colorado Department of Health (CDH) have received your letter of November 8, 1993 (93-DOE-11273), regarding the Pond Water Management IM/IRA. We disagree with your contention that DOE is not obligated to perform this action, and are very disappointed to see DOE raising this spurious argument at this late date. EPA and CDH established a requirement that a Pond Water Management IM/IRA be developed and implemented in our letter of October 22, 1992, pursuant to the agreed-upon procedure as specified in paragraph 150 of the IAG.

Throughout much of 1993, EPA and CDH attempted to develop a mutually agreeable schedule for development of the Pond Water Management IM/IRA. After repeated attempts failed, and we were unable to obtain any information on the progress of the document preparation effort, we sent a letter to your office on September 16, 1993, establishing a milestone date for submittal of the draft document. We felt the November 22, 1993, submittal date for the Draft IM/IRA reflected mutually agreeable actions taken on similar projects to streamline review and approval processes. DOE chose not to dispute this requirement and an enforceable milestone date was thus established.

Therefore, notwithstanding the arguments presented in your November 8, 1993, letter, the requirement for submittal of a Draft IM/IRA on November 22, 1993, remains in effect. In the event that DOE fails to comply with this requirement, EPA and CDH may find DOE in violation of the IAG and assess stipulated penalties as appropriate. Should such action be necessary, EPA will act as lead agency under the IAG.

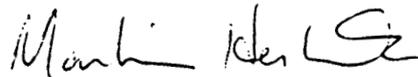
EPA and CDH feel very strongly that DOE has exhibited a notable lack of cooperation on the Pond Water Management IM/IRA effort. Effective communication has broken down, and it appears that some DOE Divisions still do not want to recognize DOE's



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responsibilities in this case. We would very much like to establish an effective working relationship on this project which will allow it to go forward and offer all parties an appropriate means of assuring the public that discharges from the ponds will continue to be properly monitored and effectively controlled. If you have questions or would like to discuss the progress of this effort, please contact Bill Fraser at 294-1081.

Sincerely,



Martin Hestmark, EPA
Manager
Rocky Flats Project

cc: Gary Baughman, CDH
Joe Schieffelin, CDH
Daniel S. Miller, AGO
Jackie Berardini, CDH-OE
Norma Castaneda, DOE
Gail Hill, DOE