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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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

JUN 26 1992

Ref: 8WM-C

Mr. James K. Hartman
Acting Assistant Manager for
Environmental Management
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, Colorado 80402-0928

Re: NPDES Permit CO-0001333
DOE-Rocky Flats Plant

Dear Mr. Hartman:

The purpose of this letter is to confirm EPA's decision pertaining to changes that will be made in how various discharges at the Rocky Flats Facility will be regulated in the future. Some of the discharges which are presently regulated through the National Pollutant Discharge Elimination System (NPDES) permit program will be regulated through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and/or the Resource Conservation and Recovery Act (RCRA) programs. This issue was discussed at a December 19, 1991 meeting attended by representatives of the Department of Energy (DOE), EG&G Rocky Flats, the State of Colorado, and EPA.

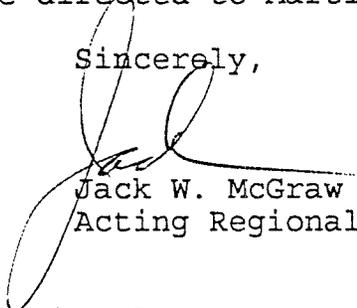
The current NPDES permit for the Rocky Flats Plant (CO-0001333) includes the discharges from Ponds A-3, A-4, B-3, B-5, and C-2 as authorized discharge points. These ponds are located in waters of the United States. After extensive review, EPA has determined that the discharges from these ponds will not be considered as point discharges requiring a NPDES permit. The renewal NPDES permit for the Rocky Flats Plant will not include the discharges from these ponds. Instead, the CERCLA and the RCRA programs, through the Interagency Agreement (IAG) Interim Measure/Interim Remedial Action (IM/IRA) process, will be used to regulate and control the discharges from these ponds. The renewal NPDES permit will regulate the discharges from the sewage treatment plant (STP), the Reverse Osmosis Plant (currently inactive), and the storm water discharges from the Rocky Flats Plant site, prior to entry into Walnut Creek and Woman Creek or into the ponds. These changes will be officially proposed when the draft renewal permit goes to public notice. EPA expects the IM/IRA to be developed and released to the public for comments at the same time as the draft renewal permit. Therefore, we strongly suggest that DOE initiate scoping activities with EPA and CDH for this IM/IRA.

As part of the requirements of the NPDES Federal Facilities Compliance Agreement (FFCA), DOE submitted (June 28, 1991) a proposed plan to protect the STP from spills. The proposed plan provided for the continued use of Ponds A-1, A-2, B-1 and B-2 on a routine basis for receiving and storing spills. The A, B, and C series ponds are slated for eventual evaluation and remediation, as appropriate, under CERCLA. The continued long term use of Ponds A-1, A-2, B-1, and B-2 for routine containment and storage of spills is unacceptable to EPA. We plan to work with DOE to develop a plan and a schedule for the development of acceptable facilities to replace Ponds A-1, A-2, B-1, and B-2 for routine containment of spills. This plan development should be implemented through the IM/IRA process pursuant to the IAG.

The A, B, and C series ponds at Rocky Flats have been an important part of the water management plan at Rocky Flats. We believe that the various uses of these ponds need to be reviewed and evaluated to determine if the uses are consistent with EPA's policy, regulations, and the agreements finalized among EPA, DOE, and the State of Colorado. As mentioned above, the use of the ponds for routine spill containment is unacceptable to EPA. The review and evaluation of pond use will support development of the appropriate IM/IRA.

Questions concerning NPDES issues at Rocky Flats should be directed to Bob Shankland at 293-1597. Questions concerning CERCLA and RCRA issues should be directed to Martin Hestmark at 294-1134.

Sincerely,



Jack W. McGraw
Acting Regional Administrator

cc: Judy Bruch, CDH, Colorado Rocky Flats
Program Unit
Bob Shukle, Colorado WQCD
Martin Hestmark (8HWM-FF)
John Dion, DOE
Gail Hill, DOE
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