

3756 RF 93

DUE DATE 10-18-93

ACTION Hedahl

LTR ENC

WEDETTI, R.L.

WILKINSON, R.B.

WILSON, J.M.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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

7722

082593-31

AUG 16 1993

AUG 23 7 45 AM '93

Ref: 8WM-C

Certified Mail  
Return Receipt Requested

Al Paoule, Manager  
Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, Colorado 80402-0928

Mr. Harry Mann, General Manager  
EG&G Rocky Flats, Inc.  
Rocky Flats Plant  
P.O. Box 464  
Golden, Colorado 80402-0464

EG&G  
ROCKY FLATS PLANT  
CORRESPONDENCE CONTROL

GROUP	ACT	INFO
11000 ERM		X
11010 PIR		
11100 RPM		
11200 ES&E		
11300 SPP		
11400 FOM		
11500 RLD		
11600 SM		
11700 OS		

Re: NPDES Permit No. CO-0001333  
DOE - Rocky Flats Plant

Dear Sirs:

On December 29, 1989, EPA received a renewal application for the NPDES permit (CO-0001333) for the Rocky Flats Plant. The application was submitted by the Department of Energy (DOE). To date DOE has been the permittee for the Rocky Flats Plant, even though the facility is operated by a contractor. However, the NPDES regulations, 40 CFR Section 122.21(b), state that "When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit." Because of the various NPDES-related problems that have occurred at the Rocky Flats Plant in the past, and the fact that the contractor is responsible for day-to-day operations of the facility, it is both necessary and appropriate to have both DOE and the contractor (i.e., EG&G Rocky Flats, Inc.) apply as co-applicants. The renewal permit will specify responsibilities for each permittee (e.g., contractor responsible for day-to-day operation and DOE responsible for funding of capital improvements).

EPA has made the legal determination that EPA clearly has the legal authority to permit both DOE and EG&G Rocky Flats, Inc. in this situation. This determination is based not only on the plain language of the NPDES regulations, but on the preamble language interpreting the NPDES regulations and prevailing EPA policy. Enclosed is a modified copy of Form 1 and a special addendum for the Form 1. On the modified Form 1, items IV., V.,

DOCUMENT CLASSIFICATION  
REVIEW WAIVER PER  
CLASSIFICATION OFFICE

CORRES CONTROL    
PATS/T130G

Reviewed for Addressee  
Corres. Control RFP

8-23-93  
DATE BY

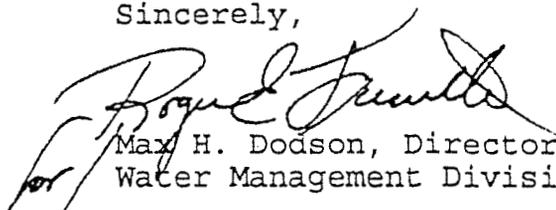
Ref Ltr. #

DOE ORDER #

and VI. have been changed to refer to the addendum. The enclosed forms are to be executed by both DOE and EG&G Rocky Flats, Inc. and returned to this office within sixty (60) days of receipt of this letter. If it is necessary to submit a revised Form 2C, it should be submitted along with the other forms.

If you have any questions about the forms, please contact Veronica Eady of the Office of Regional Counsel at 294-7552 or Bob Shankland of the Water Management Division at 293-1597.

Sincerely,

  
Max H. Dodson, Director  
Water Management Division

Enclosures

cc: w/enclosures  
Michael S. Karol, Assistant Manager  
for Facility Operations, DOE, RFO  
✓Tim G. Hedahl, Associate General Manager for  
Environment and Waste Management, EG&G RFI  
K.D. Izell, Chief Counsel, DOE, RFO  
F. Gregory McKenna, Chief Counsel, EG&G RFI  
Bob Shukle, CDH, WQCD  
Judy Bruch, CDH, Rocky Flats Program  
Martin Hestmark (8HWM-FF)

FORM <b>1</b> GENERAL	U.S. ENVIRONMENTAL PROTECTION AGENCY <b>GENERAL INFORMATION</b> <i>Consolidated Permits Program</i> (Read the "General Instructions" before starting.)	I. EPA I.D. NUMBER _____ _____ _____
LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION		GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.
PLEASE PLACE LABEL IN THIS SPACE		

**II. POLLUTANT CHARACTERISTICS**

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)				B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)			
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)				D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)			
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)				F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)			
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production; inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)				H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)			
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)				J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			

**III. NAME OF FACILITY**

1 SKIP

**IV. FACILITY CONTACT**

A. NAME & TITLE (last, first, & title)

2 SEE ADDENDUM - ITEM A

B. PHONE (area code & no.)

**V. FACILITY MAILING ADDRESS**

A. STREET OR P.O. BOX

3 SEE ADDENDUM - ITEM A

B. CITY OR TOWN

C. STATE

D. ZIP CODE

4 SEE ADDENDUM - ITEM A

**VI. FACILITY LOCATION**

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

5

B. COUNTY NAME

C. CITY OR TOWN

D. STATE

E. ZIP CODE

F. COUNTY CODE (if known)

6



7 Addendum to "Form 1 General", EPA Consolidated Permits Program

The purpose of this addendum is to provide for both the owner and the operator of the Rocky Flats Plant to apply as co-applicants for the renewal of the NPDES permit (CO-0001333) for the Rocky Flats Plant. This addendum is to be attached to Form 1-when it is submitted.

A. Facility Contacts and Mailing Address

Department of Energy Contact Person and Mailing Address

\_\_\_\_\_  
(Name & Title)

\_\_\_\_\_  
(Phone)

\_\_\_\_\_  
EG&G Rocky Flats, Inc. Contact Person and Mailing Address

\_\_\_\_\_  
(Name & Title)

\_\_\_\_\_  
(Phone)

B. Form 2C (NPDES Permit)

Pursuant to the terms of the certification statement in Item C. below, the status of Form 2C submitted by the Department of Energy on December 27, 1988, is as follows:

\_\_\_ Yes, it is a true, accurate, and complete reflection of the existing operations.

\_\_\_ No, a revised Form 2C has been completed and certified by both the Department of Energy and EG&G Rocky Flats, Inc. and is included with this submittal.

C. Certification

Department of Energy, co-applicant

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
(Name - type or print)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Official Title)

\_\_\_\_\_  
(Date Signed)

EG&G Rocky Flats, Inc., co-applicant

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
(Name - type or print)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Official Title)

\_\_\_\_\_  
(Date Signed)