

Department of Energy

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ROCKY FLATS OFFICE

P.O. BOX 928

GOLDEN, COLORADO 80402-0928

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DATE

MAY 04 1992

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ACTION

DIST.	LTR	ENC
BENJAMIN, A.		
BERMAN, H.S.		
BRANCH, D.B.		
BURLINGAME, A.H.		
CARNIVAL, G.J.		
COPP, R.D.		
CROUCHER, D.W.		
DAVIS, J.G.		
EVERED, J.E.	X	
FERRERA, D.W.		
GOODWIN, R.	X	
HANNI, B.J.		
HEALY, T.J.		
HILBIG, J.G.		
IDEKER, E.H.		
KERSH, J.M.	X	
KIRBY, W.A.		
KRIEG, D.		
KJESTER, A.W.		
LEE, E.M.		
MAJESTIC, J.R.		
MARX, G.E.	X	
MORGAN, R.V.	X	
PIZZUTO, V.M.		
POTTER, G.L.		
SANDLIN, N.B.		
SHEPLER, R.L.		
SULLIVAN, M.T.		
SWANSON, E.R.		
TAMMAN, K.G.		
E.J.S.		
WILSON, R.B.		
WILSON, J.M.		
YOUNG, E.P.		
ZANE, J.O.		
McKenna, G.	X	
Schubert, A.	X	

Mr. Jack McGraw, Acting Regional Administrator
U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2405

EG&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

Dear Mr. McGraw:

As you know, the U.S. Department of Energy (DOE), Rocky Flats Office (RFO) entered into a Federal Facility Compliance Agreement (known as "FFCA II") with the U.S. Environmental Protection Agency (EPA) on May 10, 1991, to address alleged noncompliance at the Rocky Flats Plant (RFP) regarding the storage of mixed wastes that are restricted from land disposal under the Resource Conservation and Recovery Act (RCRA). The purpose of this letter is to inform you of the status of negotiations with the Colorado Department of Health (CDH) to prepare a new Land Disposal Restriction (LDR) compliance agreement under the FFCA II paragraphs 50 and 83, and to request that one provision of paragraph 83 not be invoked at this time.

Paragraph 50 recognizes that Colorado may become authorized under section 3006 of RCRA to enforce the Land Disposal Restrictions (LDR) portion of the Hazardous and Solid Waste Amendments. Paragraph 83 requires DOE to commence good faith negotiations for a new agreement with Colorado when the State receives authorization for the LDR provisions of RCRA. Paragraph 83 also stipulates that if DOE has not entered into an agreement with Colorado within one year of the date of FFCA II (by May 10, 1992), then a meeting between the DOE Secretary and the EPA Administrator would be held to resolve the matter.

Although an agreement has not been negotiated with Colorado, formal agreement has been reached to resume negotiations. The enclosed letter from CDH regarding the commencement of negotiations and the time frame for negotiations provides the current status for your information. We anticipate that the schedule will be sufficient to complete the agreement. We will consult with your office regarding the appropriate level of involvement for EPA in these negotiations.

Given that negotiations with Colorado will resume shortly, and that ongoing events promise to help resolve some outstanding issues (such as sanctions), we do not believe that a meeting between the DOE Secretary and EPA Administrator would be appropriate or productive at this time. We ask that this provision of paragraph 83 be deferred, at least until the conclusion of the negotiating period agreed to with Colorado, and ask that you notify us formally of your decision in this regard. As the May 10, 1992, compliance date is approaching, we would very much appreciate your response prior to that date.

Sincerely,

Terry Vaeth
Manager

ADMIN RECCRD

SW-A-003560

Enclosure

Reviewed for Addressee
Corres. Control RFP

5-7-92 *Ci*

DATE BY

cc #

1 of 7

1/5

cc w/o Enclosure:

T. McCall, Jr., EPA, HQ
J. Sowinski, CDH
D. Miller, CO Attorney General's Office
M. Hestmark, EPA
L. Duffy, EM-1
E. Livingston, EM-1
G. Patton, EM-2
J. Lythe, EM-30
P. Bubar, EM-323
L. Stevens, EM-331
D. Louison, CP-30
D. Ruge, GC-11
M. Stone, EH-221
T. Lukow, WMED, RFO
J. Rampe, WPB, RFO
M. Roy, OCC, RFO
J. Kersh, EG&G
G. McKenna, EG&G