

PPC 9502.1986(04)

CORRECTIVE ACTION AT FEDERAL FACILITIES,
NATIONAL PRIORITIES

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FEB 13 1986

MEMORANDUM

SUBJECT: RCRA Corrective Action at Federal Facilities

FROM: Bruce R. Weddle, Director
Permits and State Programs Division

TO: Allyn M. Davis, Director
Hazardous Waste Management Division (6H)
Region VI

This responds to your memorandum of January 15, 1986, in which you pose several questions about corrective action at Federal facilities. I hope this clarifies the relation between the national priorities and corrective action.

You asked how national priorities for Federal facilities will be coordinated. We do not expect to have a final rule published in the Federal Register before eighteen months from now. In the interim, the Regions and States must continue to process and issue to Federal facilities. Priorities will be reflected in compliance schedules of the permits for individual Federal facilities. Compliance schedules should be negotiated on a case-by-case basis with each facility, with one of the factors considered being the parent agency's nation-wide corrective action responsibilities.

There are many ways we could address national priorities in the proposed rule. One method be to establish a national ranking for each Federal facility. Another method would be to develop a process for negotiating compliance schedules for corrective action at Federal facilities. At the moment we are considering the latter approach. Under this method, corrective action would continue to be addressed as described above.

You also expressed concern about lack of funding for Federal facilities. EPA can influence the parent agency's funding decisions through the A-106 budgeting process. You should aggressively use the A-106 process to ensure that funding is available to undertake the activities in permit or enforcement compliance schedules in the timeframes provided.

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You also asked if §3008(h) orders could be issued to Federal facilities. You should continue to issue §3008(h) orders when appropriate. Although we cannot assess penalties to the other Federal agencies, we can use the authority of §3008(h) to compel investigation and cleanup activity.

Finally, your memo stated that in accordance with Winston Porter's November 21, 1985, memo, you would not contact State Environmental Directors about corrective action at Federal facilities. That memo explained that the States should not be contacted until issues raised by the Department of Energy were resolved. These issues have now been resolved. This was explained in a January 8, 1986, memo from Winston Porter requesting the Regions to contact the States. Please begin contacting State Environmental Directors if you have not already done so. If you have further questions about corrective action at Federal facilities, contact Paul Connor of my staff at (FTS) 382-2210.