



FedFacs

an environmental bulletin for federal facilities

DOJ Ruling Gives EPA CAA Penalty Authority Against Federal Agencies

The Department of Justice has resolved a dispute between EPA and the Defense Department by giving EPA the authority to require federal agencies to pay penalties for violations of the Clean Air Act. The decision came on July 16, 1997, from DOJ's Office of Legal Counsel (OLC), in accordance with Executive Order No. 12146. The dispute between EPA and DoD originated from the two agencies' differing interpretations of whether federal agencies are subject to field citations under Section 113(d) of the Clean Air Act.

OLC decided that EPA has penalty authority not only under section 113(d), but also under sections 205(c) and 211(d)(1), against federal agencies for violations of the CAA using the clear express statement standard. OLC affirmatively ruled that EPA has penalty authority for stationary source and mobile source

requirements, not merely field citation authority. FFEQ has included new language in the FY98-99 Memoranda of Agreement between EPA Headquarters and the Regional Offices emphasizing the importance of including federal facilities in upcoming regional CAA inspection and enforcement efforts. In addition, FFEQ will be issuing guidance this spring implementing this new authority.

The decision is also significant because DOJ determined that EPA has penalty authority against federal agencies under any law provided that the statute clearly provides the authority, regardless of whether the waiver of sovereign immunity would be considered broad enough to



subject the federal agencies to penalties assessed by those outside the federal government. EPA now has administrative order and penalty authority against federal facilities under several other environmental laws including the Safe Drinking Water Act, RCRA (underground storage tanks and hazardous waste), and the lead requirements added by Congress to TSCA in 1992.

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EPA Cites U.S. Mint for Clean Air Act Violations

EPA announced on January 26, 1998 that it has cited the U.S. Treasury for Clean Air Act (CAA) violations at the United States Mint in Philadelphia. This is EPA's first CAA penalty order against a federal facility using its newly clarified authorities (see article above).

In the administrative complaint issued January 23, 1998, EPA charges that the Mint violated regulations governing the emission of chromium compounds and chlorofluorocarbons (CFCs). EPA seeks a \$129,400 penalty for these violations.

An EPA inspection revealed that the Mint failed to comply with regulations which reduce pollution from chromium compounds. EPA alleged that the coin-making site violated testing, monitoring, and operation and maintenance requirements for chromium electroplating since January 1997. Chromium compounds are regulated as hazardous air pollutants under the Clean Air Act. Hexavalent chromium, one such chromium compound, is a known carcinogen causing lung cancer and other non-carcinogenic, toxic effects.

The October 23 inspection also uncovered violations of Clean Air Act regulations on the repair and servicing of equipment containing CFC-based refrigerants.

GuestSpot

Charles Bravo

Manager, Environmental Management Policy, U.S. Postal Service



Moving America's mail is big business. It takes a lot of energy, resources, and people to handle more than half a billion pieces of mail each and every day. It also takes a whole lot of cars, trucks, planes, fuel, buildings, and pieces of paper, which has the potential for a lot of pollution and waste. In an organization of the size, scope, and influence of the Postal Service, which touches nearly every American every day, it is important to develop policies that protect our air and water quality, prevent pollution, save energy, control waste, and develop environmental technologies that will lead us into the future.

Environmental issues affect our core business. To address environmental issues in an integrated way, the Postal Service has developed an Environmental Strategic Plan, which is built on a two-pronged strategy of leadership and compliance. A "Greening of the Mail" Task Force, which includes representatives from the U.S. Conference of Mayors, ADVO, Direct Marketing Association, and EPA, was created in 1996 to identify new business opportunities, increase recycling, and help make the mail more environmentally friendly.

The Postal Service's commitment to the environment includes many innovative products and projects. For example, we operate one of the largest and most successful recycling programs in the nation. Last year we recycled more than one million tons of waste paper and other materials, generating \$8 million, and we purchased more than \$160 million worth of products containing recycled materials. In addition, all of our Priority and Express Mail envelopes and packages contain recycled materials. We also are

one of the nation's largest user of recycled motor oil and retreaded tires.

We have the largest fleet of alternative-fuel delivery vehicles in the nation — nearly 7,300 of our vehicles have been converted to compressed natural gas. We have reduced our use of targeted hazardous chemicals by 50 percent and our use of underground storage tanks by about 25 percent.

In a pilot test in North Carolina, we are replacing our gasoline-powered lawn mowers with quiet, cordless, battery-powered mowers. According to EPA, these battery-powered lawn mowers result in a 99 percent reduction in pollutants such as carbon monoxide, hydrocarbons, and methane. They are also cheap, costing less than \$4 a year for electricity.

Some of our most creative environmental products have come from recycling undeliverable mail, which not only reduces waste and pollution, but also saves landfill fees and hauling costs. We have turned such mail into such innovative products as rich soil compost and pencils. The soil is now growing vegetables at Texas A & M University, and the pencils are being tested by our employees and school children in Alabama.

We also have replaced 25,000 Exit-lights in facilities nationwide with low-energy, longer-burning lights, saving \$500,000 in energy costs and six million pounds of greenhouse gases; and we have replaced four million pallets with long-life plastic types.

That all sounds pretty impressive, and it is. But the Postal Service is not resting on its environmental laurels. Most of our environmental efforts in the past have been based on preventing pollution, and that is a sound practice, both from a business perspective, and as a means of achieving environmental compliance. But the Postal Service wants to do more than just comply. We want to **lead** the environmental fight. To protect the future of our

employees and customers and their families, we are committed to sustainable development. We are moving beyond efforts that save the environment to efforts that **renew** the environment.

For example, we recently broken ground on a "green" showcase facility in the Dallas area that will be built out of materials with recycled content, will have natural and energy-efficient lighting, and will use natural landscaping and water conservation. Natural landscaping, which means using plants that are well-suited to the climate and water conditions of the area, minimizes the use of pesticides and saves water.

The main mail processing plant in Santa Barbara just received a Federal Energy and Water Management Award in recognition of its "demonstration garden," which incorporates drought-tolerant vegetation, use of reclaimed water, and integration of existing wetlands into its design. The reclaimed water is used for irrigation and is plumbed into the building to flush toilets.

Fortunately, all that we are doing that is good for the environment is also good for the bottom line. Recycling and conserving energy save the Postal Service money, which means we can deliver America's mail at a lower cost. For example, the money the Postal Service made from recycling increased by 60 percent last year, and that doesn't include the money saved from fewer trash pickups and landfill fees.

The Postal Service is meeting the environmental challenges of the future with enthusiasm and creativity. Our environmental team is working hard to improve the quality of life and sustain and renew the environment for our customers, our employees, and for all Americans. We are committed to being a good environmental neighbor in every community we serve and leaving the environment better than we found it.

Historic First for Project XL/ENVVEST in Region 9

A landmark agreement was signed on November 3, 1997 which allows the Air Force to reduce environmental program costs and apply savings directly to clean-up programs on Vandenberg Air Force Base, CA.

The final project agreement was a collaborative effort on the part of many stakeholders and agencies over the course of a year and a half. The agreement defines milestones which are part of President Clinton's "reinventing government" initiatives to promote regulatory flexibility. This is the first EPA Project XL (eXcellence & Leadership) taking place at a federal agency and the first Department of

Defense ENVVEST (Environmental Investment) Air Quality Initiative.

Vandenberg is expected to serve as a model for cleaner air programs at other bases throughout DoD. At the signing ceremony, Tad McCall Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health, called the FPA a "prototype for progress without pollution!"

For more information, contact John Walser at 415-744-1257 or Sara Segal at 415-744-1569.



At the signing are Tad McCall, Air Force; John Wise, Deputy Regional Administrator, EPA Region 9; Doug Allard, Santa Barbara County Air Pollution Control District; staff of Vandenberg AFB.

Multi-Media Inspections at Federal Facilities

Nationwide, 27 multi-media inspections were performed at federal facilities during FY97 in a coordinated effort by EPA and state inspectors. Each inspection covered a minimum of two environmental statutes (one of which was either RCRA, CWA or CAA) at each facility. Overall, inspections covered RCRA, CAA, CWA, TSCA, EPCRA,

FIFRA, and SDWA program requirements.

The multi-media inspections took place at 20 DoD facilities, three DOE facilities, and four civilian federal agency facilities. Regions 1, 4, and 8 had the largest share of the inspections (16 out of 27). Regions 2, 3, 6, 9 and 10 performed the remaining eleven inspections (see box).

Multi-media inspections are part of FFEQ's Federal Facilities Multi-Media Enforcement/ Compliance Program initiated in FY93. In FY95, multi-media inspections were incorporated into Regional base inspection programs. Over the five-year period FY93-FY97, EPA Regions have conducted a total of 169 multi-media inspections.

FY97 Multi-Media Inspections at Federal Facilities

Region 1

US Postal Service, Boston, MA
DOJ Federal Correctional Institution,
Danberry, CT
RI Army National Guard, Quonset Pt., RI
RI Air National Guard, Quonset Pt., RI

Region 2

DOE Brookhaven National Laboratory,
Upton, NY
US Army, Ft. Drum, NY

Region 3

Quantico Marine Corp Base, VA
Oceana Naval Air Station, VA

Region 4

Naval Submarine Base, Kingsbay, GA
US Army Redstone Arsenal, Huntsville, AL
DOE, Oak Ridge, TN
Naval Station Mayport, FL
US Air Force Plant #6, Marietta, GA

Region 6

US Air Force-Tinker MTC, Midwest, OK
US Navy, Corpus Christi, TX
US Army Ammo Depot, TX

Region 8

Marty Indian School (BIA), Yankton Sioux, SD
FE Warren Air Force Base, WY
VA Fitzsimons Army Hospital, CO

US Army, Ft. Carson, CO
DOE, Naval Petroleum Reserve No. 3,
Casper, WY
US Army Dugway Proving Ground, UT
DOD Rocky Mountain Arsenal, CO

Region 9

Pearl Harbor Naval Complex, Pearl Harbor, HI
(included three facilities: Naval Intermediate
Maintenance Facility; Naval Station Pearl
Harbor and Fleet and Industrial Supply Center)
Luke Air Force Base, AZ
Fallon Naval Air Station, NV

Region 10

US Army Ft. Wainwright, Fairbanks, AK

In the News

Fort Pickett U.S. Army Reservation Agreement Signed

The Virginia Department of Environmental Quality (DEQ) and Togo West, Secretary of the Army, signed a "Use Agreement" on September 30, 1997, for the Fort Pickett site in Blackstone, Virginia. Fort Pickett was placed on the base closure list in 1995. The agreement provides for Virginia's continued use of 40,000 acres of the site for a State Army National Guard training facility. The other 5,000 acres of the site will be transferred to the local reuse committee for privatization. The agreement details DoD's indemnification of the Commonwealth of Virginia from any past environmental contamination at the 40,000 acres. EPA is not a party to this agreement. Currently, EPA Region 3 is overseeing a preliminary assessment and site analysis (PA/SI) of the 5,000 acres which will be privatized. As requested, EPA provided advice and assistance to DEQ on the agreement before it was signed. Virginia included provisions in the agreement implementing several EPA-suggested pollution prevention initiatives at the Ft. Pickett site.

"Lead Regulator" Superfund Policy Signed for Federal Facilities

On November 6, 1997, Steve Herman, Assistant Administrator for OECA, signed a joint OSWER/OECA policy, also signed by Tim Fields, Acting Assistant Administrator for OSWER. The policy was developed in response to one of Administrator Browner's 1995 Superfund Administrative Reforms to "establish a lead regulator at each site undergoing cleanup activities under competing federal and state authorities to eliminate overlap and

duplication." The policy clarifies roles and minimizes overlapping federal and state regulatory oversight of cleanups on the National Priorities List (NPL), and is intended to lead to more efficient use of federal and state oversight resources. The policy furthers the RCRA/CERCLA coordination concepts presented in the September 24, 1996 EPA guidance, "Coordination Between RCRA Corrective Action and Closure and CERCLA Site Activities," and focuses on the unique coordination issues associated with federal facilities on the NPL. An appendix to the policy includes examples of lead regulator approaches that have been used by states, EPA, and other federal agencies to address federal facility cleanup. The policy was developed by a workgroup with state, federal, and EPA headquarters and regional office representation. *Contacts: Helena King, 202-260-5033 (main EPA contact); Melanie Barger Garvey, 202-564-2579 (OECA contact).*

EPA Region 6 Awards Environmental Justice Grant to Residents Near Kelly Air Force Base

EPA Region 6 awarded a grant in the amount of \$19,914 to the Foundation for a Compassionate Society to work with North Kelly Gardens residents who live near Kelly Air Force Base in San Antonio, Texas. The objectives of the one-year project include supplementing the North Kelly Gardens Health Study with medical profiles, toxic inventories and risk maps; making presentations to target audiences, including DoD, the Greater Kelly Development Corporation, Kelly AFB, local school boards, etc.; and training local people in identifying environmental contamination and its causes in working toward pollution prevention and health hazards prevention. *Project Contact: Genevieve Vaughn, 512-262-2300.*

The Environmental Justice Small Grants Program is administered by the 10 EPA Regional Offices. Each year, approximately \$2.5 million is awarded in a competitive process nationwide. Grants provide funding primarily to grassroots, community-based organizations to address environmental justice concerns.

For more information, contact Shirley Augurson, Region 6 Environmental Justice Coordinator, 214-665-7401 or the toll-free EJ Hotline, 1-800-962-6215. A summary of all EJ Small Grant awards for FY97 can be viewed on the Internet at www.epa.gov/envirosense/oeca/oej.html/.

CAMU Approved at Sandia National Laboratories

On September 25th, 1997, EPA Region 6 approved Sandia's Class III permit modification for construction of a Corrective Action Management Unit (CAMU). Sandia is located in Albuquerque, New Mexico within the boundaries of Kirtland Air Force Base. Once constructed, the CAMU will provide on-site staging, treatment, and containment capabilities for Sandia's remediation wastes.

The CAMU application was received by EPA in July 1996. In a spirit of cooperation and communication among regulators, Sandia, and the public, the CAMU modification was approved in 13 months and EPA received no adverse comments on the CAMU modification during the public comment period.

This is the first permitted CAMU for a DOE facility, the first CAMU in New Mexico, and the first permitted federal facility CAMU approved by EPA Region 6. Besides the staging and treatment areas, the approved CAMU includes a containment cell with liners and a leachate detection system. The containment cell is designed to accommodate 1 million cubic feet of waste. Only treated remediation waste will be placed in the containment cell.

Depending on the volume of hazardous waste accepted at the CAMU, the Environmental Restoration Project at Sandia will experience a savings of \$4-15 million, primarily due to lower transportation and disposal costs. The CAMU is a critical component in Sandia's efforts to expedite cleanup, as provided for in "Focus 2006" (formerly called the Ten Year Plan). The approval of the CAMU is a significant step toward achieving DOE's goal of having all remediation actions in place at Sandia by 2002.

For more information, contact Richard Mayer, EPA Region 6, 214-665-7442, or mayer.richard@epamail.epa.gov/.

RCRA 7003 Guidance Issued

EPA issued a RCRA Section 7003 enforcement guidance applicable to both federal and private parties. Section 7003 orders may be issued to address a situation when any solid or hazardous waste may present an imminent and substantial endangerment to human health or the environment. The guidance addresses the opportunity to confer with the Administrator prior to an order becoming final, as provided in 42 U.S.C. Section 6961(b)(1). EPA expects that such an opportunity will not be necessary for those cases which settle. Specifically, the guidance lays out the steps to be taken for a conference, including who should request the conference, how it should be requested, and how the results of the conference will be communicated.

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Joyce Johnson, *Editor*
Gilah Langner, *Writer*
Robin Foster, *Layout*

To receive FedFacs in the mail, contact:

Federal Facilities Enforcement Office
U. S. EPA (2261), 401 M Street SW,
Washington, DC 20460
or Fax : 202-501-0069

Or Internet:

<http://www.epa.gov/oeca/fedfac/ann/index.html>

Federal Agencies Celebrate "America Recycles Day" with D.C. Rally

November 13, 1997 marked the first "America Recycles Day." Special events were organized around the country to educate Americans about the environmental and economic benefits of recycling. Many organizations helped make the day a success. National sponsors included:

Premier Founding Sponsors:

Steel Recycling Institute
U.S. EPA

Environmental Champions:

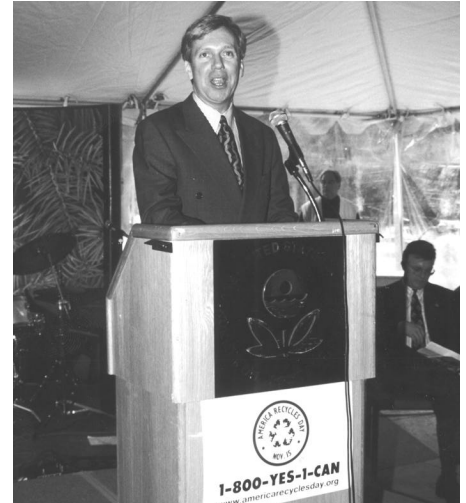
Union Camp Corporation
U.S. Postal Service

Recycling Advocates:

BFI
The Home Depot
Safety-Kleen

In Washington, DC, federal workers celebrated America Recycles Day by sponsoring a rally on Freedom Plaza, where federal agencies and other recycling advocates displayed recycled products used by their organizations.

Festivities were enhanced with performances of the EPA Men's Chorus, the EPA DixielandBand, and the GSA Band. The Department of Commerce's Day Care Center children sang for the audience.



EPA Deputy Administrator Fred Hansen

And the National Forest Service's Woodsy Owl and EPA's Garbage Gremlin made special appearances. Speeches were given by Fred Hansen, EPA Deputy Administrator; David Clark, Postmaster of Washington, DC; and Will Ferretti, Executive Director for the National Recycling Coalition.

For more information on how to "Keep Recycling Working: Buy Recycled," visit the website at www.ssa.gov/recycle.htm or www.americarecyclesday.org.



Co-Chairs of the Federal Steering Committee: George Mohr (Social Security Administration) and Jim Edward (EPA) with National Forest Service's Woodsy Owl and EPA's Garbage Gremlin

EPA Hosts P2 Assessment at Coast Guard Training Center

Training Center Cape May, which trains approximately 4,000 military recruits per year and houses over 400 full-time Coast Guard personnel, participated in a pollution prevention (P2) assessment in August 1997.

The Training Center houses a number of tenant activities that impact the environment. These include aircraft, vessels, a firing range, maintenance shops, housing, medical services, dining facilities, and athletic facilities. The Training Center covers approximately 300 acres, about 150 of which are wetlands. Several endangered species are found on-site, including species of piping plovers and least terns, not to mention a lone harbor seal spotted during the visit.

Coordinating with the Training Center's Environmental Protection and Safety

Section Chief, Chris Hajduk, and Facilities Engineer CDR Stan Douglas, the P2 assessment focused on the following areas: hazardous and non-hazardous solid waste generation and storage; energy conservation; water conservation; TRI releases; alternatively fueled vehicles; pesticide usage; ozone-depleting chemicals; EPA's list of 17 industrial toxics included in the 33/50 Program; affirmative procurement; and recycling.

The assessment recognized the numerous pollution prevention activities already initiated at the Training Center, which have helped the installation reduce its purchase of toxic chemicals, reduce hazardous and solid waste generation, and reduce energy consumption. Their accomplishments provide a foundation for further reductions in waste generation and materials consumption.


It is critical that the Training Center apply adequate resources to incorporate pollution prevention concepts and approaches, implement acquisition and procurement policies, and to the greatest extent possible, prevent pollution at its source.

The pollution prevention plan that resulted from this assessment is based on current Coast Guard and DOT guidance and will allow Training Center Cape May to comply with environmental laws and requirements. Several P2 projects and management practices were identified during the review for the Center to consider in carrying out its P2 plan. The Center will also disseminate a pollution prevention policy statement to all affected individuals in the installation.


For more information, contact: Susan Weiner, 202-564-2471.

Environmental Auditing Publications

OECA/FFEO updated the following environmental auditing guidance documents in FY97:

 *Generic Protocol for Conducting Environmental Audits of Federal Facilities* (EPA 300-B-96-012A&B, December 1996). This is the latest revision of the *Generic Protocol* prepared in 1989 by EPA's Office of Federal Activities, and later revised in 1995 by FFEO. The 1996 version discusses EPA's 1995 audit policy and reorganizes the protocol into a two volume set. Both volumes contain the instructions for use of all three auditing sections or "Phases." Volume I includes Phase 1 of the protocol which focuses on compliance with federal environmental requirements in 16 media and statutory areas (e.g., air, water, solid and hazardous waste). Volume II contains Phases 2 and 3 of the protocol which detail procedures for conducting environmental management system audits of

both facility-specific programs and overall programs managed at an agency's headquarters. The *Generic Protocol* is designed to help auditors focus on specific technical issues to determine compliance with environmental requirements and adherence to good environmental management practices.

 *Environmental Audit Program Design Guidelines for Federal Agencies* (EPA 300-B-96-011, Spring 1997). This document highlights some unique issues and considerations related to conducting environmental audits at both domestic and overseas federal facilities. The *Design Guidelines* discuss in detail: the design and administration of effective environmental auditing programs, specific steps involved in conducting an environmental audit, the components of a thorough environmental management program, and the kinds of issues that arise and require addressing

in environmental audits. The *Design Guidelines* identify the elements of a sound environmental auditing program, including management elements and resources (both human and capital) that are typically required in establishing an auditing system. The document does not, however, provide detailed descriptions of how to actually conduct an audit, nor of how to create an environmental management program. The *Design Guidelines* should be used in conjunction with the *Generic Protocol* in order to create and undertake an environmental auditing program.

For more information on environmental auditing at federal facilities, contact Andrew Cherry, FFEO, 202-564-5011. Copies of the Generic Protocol and the Design Guidelines can be obtained by faxing your request to Priscilla Harrington, FFEO, 202-501-0069, or electronically at www.epa.gov/envirosense/ceca/fedfac/fflex.html/.

Environmental Management Reviews at Federal Facilities

An Environmental Management Review (EMR) is an evaluation of an individual federal facility's program and management systems to determine how well the facility has developed and implemented specific environmental protection programs to ensure compliance. EMRs are consultative technical assistance visits intended to identify root causes of environmental performance problems. EMRs are voluntary and are usually initiated by the recipient agency or facility. They generally focus on one or two of the following seven components of a fully developed Environmental Management System (EMS): organizational structure; environmental commitment; formality of environmental programs; internal and external communication; staff, resources, training, and development; program evaluation, reporting, and corrective action; environmental planning and risk management.

In FY97, ten EMRs were conducted by the EPA Regional Offices at the following facilities:

- Region 1: Army Corps of Engineers dams in Oxford, MA, and South Royalston, MA; Coast Guard Support Center, Boston; Coast Guard Buoy Depot, South Weymouth, MA; National Park Service's Arcadia National Park, Bar Harbor, ME; Army National Guard's facility in Camp Johnson, VT.
- Region 6: Postal Service facility in Houston; Federal Aviation Administration facility, Oklahoma City, OK.
- Region 8: EPA Laboratory, Denver.
- Region 10: Fairchild Air Force Base, Spokane, WA.

These EMRs were conducted as part of a pilot program based on EPA's *Interim Final Policy and Guidance on EMRs at Federal Facilities* issued in May 1996. The pilot program will carry over into

FY98 when a number of additional EMRs are being planned. After the pilot has been completed, EPA will develop a summary report evaluating the EMRs, and revise and finalize the Interim Policy as appropriate.

Positive Feedback

Results from the EMRs conducted by Region 6 determined that the overall environmental management systems at the FAA and USPS facilities have the elements needed to keep the facilities in compliance with environmental regulations. However, in order for the facilities to achieve and maintain the level of environmental excellence desired, these management systems must make continuous improvements.

In Region 1, EMRs conducted at 17 facilities since 1994 have led to a number of changes at the facilities, including increases in environmental staff and budgets, and development of cross-media

environmental training for staff/managers. Comments from Federal Facility Environmental Managers in EPA Region 1 where EMRs have been conducted include the following:

"Very positive experience. The EMR helped tremendously. It was a great learning experience. EPA identified the positives and the areas needing improvement. The EMR energized our Environmental Program."

"The EMR was very helpful. I like it when we get suggestions. It is better than a ticket!"

"I truly applaud the initiative. We appreciate the cooperative, positive approach. The EMR also showed my boss that the EPA is out there and is concerned enough about our issues to be at our doorstep."

For more information on EMRs or to sign up for one, contact your EPA Regional Federal Facility Coordinator (see list on page 9).

EMR AT US POSTAL SERVICE IN NEW YORK METRO AREA

The EPA Region 2 Federal Facilities Program and the US Postal Service (USPS) New York Metro Area Office will be participating in a pilot Environmental Management Review (EMR) project that will focus on policy implementation. Since policy implementation overlaps with a number of EMR focus areas, a special protocol will be developed for this EMR. The project will also have a broader scope than most EMRs, focusing not only at the facility level, but at the district and area levels as well.

The USPS Metro Area consists of :

- Seven Districts: New York City; Triboro; Long Island; Westchester; Central NJ; Northern NJ; and the Caribbean

- 1700 facilities
- 18 vehicle maintenance facilities
- 30 plants (distribution operations)
- 14,000 vehicles
- 85,000 employees.

The long term goals of the project are for the area EMR to serve as the prototype EMR model to be implemented at other USPS areas; for both EPA and the USPS to learn about management system review performance measures; and for the USPS to partner with other federal agencies in developing EMRs. *For more information, contact Jeanette Dadusc, Assistant Federal Facilities Coordinator, EPA Region 2, 212-637-3492.*



The Hammer

REGION 1

Naval Undersea Warfare Center, Connecticut: The Naval Undersea Warfare Center (NUWC) of the Department of the Navy agreed on September 18, 1996, to pay an \$80,625 penalty to settle an EPA complaint alleging violations of federal and state hazardous waste management laws at three of its Connecticut locations — two in New London and one in East Lyme. NUWC researches and develops acoustic sensing devices for the Navy. EPA Region 1 and the Connecticut Department of Environmental Protection jointly inspected the three NUWC facilities and discovered RCRA violations. NUWC failed to have a complete contingency plan for responding to an accidental hazardous waste spill, failed to properly train personnel, failed to determine if wastes were hazardous and therefore subject to federal management and handling laws, and failed to properly label hazardous waste containers at the facility. Region 1 prenegotiated a settlement for these violations. A complaint was filed simultaneously with the consent agreement and order.

REGION 2

Watervliet Arsenal, New York: EPA Region 2 issued an Air Compliance Order to U.S. Army Watervliet Arsenal addressing Watervliet Arsenal's failure to meet the chromium emission standards required for chromium electroplating facilities, as specified in 40 C.F.R. Part 63, Subpart N. These regulations require Watervliet Arsenal to operate control devices that limit emissions of chromium to the atmosphere. Watervliet Arsenal notified EPA that it had tested its control devices (scrubbers) in August 1996, and found that the devices were not capable of meeting the regulatory limits (which became effective on January 25, 1997). On February 26, 1997, the facility notified

EPA that replacement of its scrubbers would be required in order to comply with the chromium emissions limits and that this project would be completed by no later than December 1, 1997. In compliance with the order, Watervliet Arsenal completed installation of equipment to control chromium emissions and was to complete stack testing of this equipment by the end of 1997.

REGION 4

Redstone Arsenal, Alabama: In June 1997, EPA Region 4 issued a unilateral compliance order against the U.S. Army Missile Command, Redstone Arsenal Water System located near Huntsville, Alabama, for violations of the Safe Drinking Water Act (SDWA) and its implementing regulations. Redstone provides water to 22,000 individuals. The violations included exceeding the MCL for total coliform bacteria and failing to meet the total coliform monitoring/reporting requirements during all the months from January 1996 to April 1997. In addition, the system failed to provide notification to the public of the violations, as required. This is the first unilateral compliance order issued against a federal facility under authorities contained in the August 1996 revision to the SDWA.

In December 1997, EPA's Region 4 notified Redstone Arsenal that Redstone would be assessed a penalty for violations of the Safe Drinking Water Act and its implementing regulations. This will be the first penalty assessed since the SDWA was amended. Settlement discussions are ongoing. To date, Redstone Arsenal is in compliance with the order.

Fort Campbell (Kentucky/Tennessee border): EPA Region 4 settled a RCRA case, assessing a \$36,000 penalty against the Fort Campbell Army base located on the Kentucky/Tennessee border. Fort Campbell's violations included: failure to make hazardous waste determination,

failure to correctly label containers, failure to remove hazardous waste from satellite accumulation areas in a timely manner, and failure to maintain emergency equipment. The base is now in compliance with the order. The original penalty proposed in the September 1996 complaint was \$48,700.

Memphis Depot, Tennessee: EPA Region 4 filed a final order settling a RCRA case against the DoD's Defense Logistics Agency (DLA) military supply depot located in Memphis, Tennessee. The order called for a penalty payment of \$12,000. This action settled a September 1996 administrative complaint the Region filed under RCRA §3008(a) against DLA (Defense Depot) Memphis, TN which alleged that the facility stored containers of incompatible hazardous wastes next to one another without properly separating them in accordance with RCRA. The complaint assessed a penalty of \$20,000, and ordered the facility to submit a plan within thirty days ensuring that incompatible wastes were no longer stored together. The facility submitted the required plan and provided the Region with new information concerning its storage practices. Based on this new information, the penalty was reduced to \$12,000.

REGION 5

EPA Assesses Penalties at Fernald: In July 1997, EPA Region 5 resolved a dispute with the Department of Energy over DOE's Fernald facility. In September 1996, DOE requested an extension to complete the design of a waste treatment facility, raising questions about future treatment of radioactive silo materials. EPA denied the extension request and DOE invoked dispute resolution procedures as provided in the Fernald Consent Agreement. The resulting dispute resolution agreement addresses schedule revisions, submittal of a "lessons learned" document from DOE, implementation of five environmental pro-

jects that will benefit the Fernald site, and a cash penalty of \$100,000 to be paid by DOE. Overall DOE will pay approximately \$1,100,000 to resolve the issues with this dispute through implementing the projects and the monetary penalty.

REGION 7 & 10

EPA Negotiates Two Interagency Agreements: EPA has completed negotiations on two interagency agreements (IAGs) under CERCLA Section 120 which call for cleanups by the Army Corps of Engineers. The cleanups will cost approximately \$34 million. EPA has experienced great success with using IAGs to coordinate cleanups in that they provide enforceable schedules, help avoid disputes, and provide the framework for achieving an expeditious cleanup. One of the IAGs negotiated with the Corps addresses contamination at the Formal Naval Ammunition Depot in Nebraska (Region 7); the other addresses the Old Navy Dump Manchester Lab Annex in Washington (Region 10). Cleanup at the Old Navy Dump is estimated to cost approximately \$5.4 million, while cleanup of Hastings should cost about \$30 million.

REGION 8

U.S. Department of the Interior, Bureau of Indian Affairs, North Dakota and South Dakota: On December 12, 1997, EPA announced a proposed agreement with the Bureau of Indian Affairs under which BIA's Aberdeen Area Office must correct problems with 52 underground storage tanks on nine Indian reservations in North and South Dakota.

The agreement contains a proposed penalty of nearly \$938,000. BIA may offset a portion of that cash payment with a SEP focusing on environmental issues in the Aberdeen area. Funds for compliance must come from BIA itself and must not impact the budget of any tribe or tribal program.

BIA's Billings Area Office is included in the proposed agreement for work it must do at the Crow Agency in Montana where fuel had leaked from tanks removed in 1994. EPA has not proposed a penalty in that case because the cleanup is underway but a "compliance schedule" has been set to ensure that work is done.

Warren Air Force Base, Wyoming: Pursuant to the CERCLA Federal Facility Agreement (FFA) for F.E. Warren Air Force Base, EPA Region 8 issued a stop work order requesting that work being done at Operable Unit 3, Landfill 6 be immediately stopped. The stop work order may be the first issued to a federal facility pursuant to a FFA. The order was issued because F.E. Warren proceeded with construction of the compacted layer of the evapotranspiration (ET) cover prior to finalization of the amendment to the Record of Decision changing the remedy from a RCRA Subtitle C cap to an ET cover. Although work on the ET cover has stopped, EPA and the State of Wyoming are now evaluating how to control erosion of Landfill 6's surface during the winter season, and how winterization activities can be accomplished in the context of the stop work order and the FFA.

REGION 9

U.S. Department of the Interior, Bureau of Indian Affairs, Fort Defiance, Arizona: On September 30, 1997, EPA filed a compliance agreement/consent order for the Bureau of Indian Affairs (BIA), Fort Defiance Road Maintenance Facility, RCRA enforcement case. The BIA settlement calls for \$48,423 in penalties and undertaking three supplemental environmental projects (SEPs) costing a total of \$585,000. The cash penalty amounts to 18% of the assessed penalty. Under the SEPs, the BIA will conduct environmental audits at 100 Navajo Nation facilities (primarily schools); develop hazardous waste man-

agement standard operating procedures for Navajo Nation facilities; and provide hazardous waste training for tribal and BIA employees.

U.S. Department of the Interior, Bureau of Reclamation, Yuma, Arizona: On September 30, 1997, EPA filed a compliance agreement/consent order for a RCRA enforcement case against the Bureau of Reclamation (BOR), Yuma Desalting Plant. This settlement calls for the payment of \$36,769 in penalties and three SEPs costing \$768,712. Under the SEPs, BOR will conduct compliance audits and follow-up compliance work at six BOR facilities and establish enhanced spill response capabilities, including creating a spill response team, along the Colorado River.

U.S. Department of Interior, National Park Service, Hawaii Volcanoes National Park, Hawaii: On September 30, 1997, EPA filed a compliance agreement/consent order for the Hawaii National Park RCRA enforcement case. The NPS settlement calls for a cash penalty of \$41,100 and one SEP costing \$234,875. Under the SEP, NPS will develop hazardous waste management plans for six national parks and, following lessons learned from those six, will establish a model hazardous waste management plan to be instituted at all NPL facilities.

U.S. Department of the Interior, Bureau of Indian Affairs, Hoopa Campus, California: In September 1997, EPA filed an administrative complaint against the U.S. Department of Interior, BIA, Hoopa Campus, CA, alleging RCRA hazardous waste violations and assessing \$260,650 in penalties. The complaint alleges that at a now-vacated campus facility the BIA stored hazardous waste without a permit and failed to have an EPA generator identification number. All waste has now been properly disposed of.

OnLine

Envirofacts on the Web:

www.epa.gov/enviro

EPA's **Envirofacts database** is a repository for EPA data systems. The Envirofacts database has been released to internal EPA users and is available to the public as an Internet resource.

Envirofacts is a relational database implemented in the Oracle Relational Database Management System (RDBMS) and is available through the Envirofacts Warehouse. It contains data from the following EPA databases:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)
- Permit Compliance System (PCS)
- Resource Conservation and Recovery Information System (RCRIS)
- Toxics Release Inventory System (TRIS)

- Aerometric Information Retrieval System/AIRS Facility Subsystem (AIRS/AFS)
- Grants Information and Control System (GICS)
- Safe Drinking Water Information System (SDWIS)

In addition, the Envirofacts database supplies information from the Facility Index System (FINDS), which cross-links facilities in multiple databases; the Envirofacts Master Chemical Integrator (EMCI), which provides chemical cross-link information for PCS, RCRIS, and TRIS; and the Locational Reference

Tables (LRT), which contain latitude and longitude information. Future EPA program systems to be included in Envirofacts are: the Emergency Response Notification System (ERNS), the Biennial Reporting System (BRS), and CERCLIS3.

The Envirofacts database website provides documentation on the structure and content of the database and access to "metadata." The website also explains how to connect Oracle access tools to Envirofacts to query and view data directly from the database via the Internet.

For more information, contact: Shashank Kalra, 202-260-3105, or Pat Garvey, 202-260-3103.

Enviro\$en\$e Update

www.epa.gov/envirosense

The Enviro\$en\$e electronic network has also moved from its INEL server in Idaho to a new Earth2 server at RTP. Enviro\$en\$e can be reached at www.epa.gov/envirosense/. FFEQ's home page FFLEX has a new address, too: www.epa.gov/envirosense/oeca/fedfac/fflex.html.

For more information contact: Isabelle Lacayo 202-564-2578, lacayo.isabelle@epamail.epa.gov/.

EPA Assesses Over \$400,000 in Penalties Against Federal Agencies

In FY97, EPA initiated 14 enforcement actions at federal facilities under RCRA. Nine were informal actions (e.g., notices of violations), one was a RCRA Section 7003 order at the Washington Navy Yard in the District of Columbia, and four were RCRA Section 3008(a) orders. Total penalties assessed amounted to \$442,825 in penalties against federal agencies, including the Veterans Administration, the Bureau of Indian Affairs, and the Navy. In addition, EPA settled 13 penalty cases in FY97, collecting \$1,011,524 in penalties and requiring \$2,824,639 to be spent on Supplemen-

tal Environmental Projects. Finally, EPA settled a RCRA Section 3008(h) order requiring cleanup at Altus Air Force Base. Passage of the Federal Facility Compliance Act (FFCA) has enhanced EPA's enforcement authority, enabling EPA to pursue federal agencies in the same manner that it pursues private parties. Several of these penalty cases were settled with civilian federal agencies (including the Park Service, the Bureau of Indian Affairs, and the Bureau of Reclamation) which have not traditionally been inspected to the same degree as DoD installations.

PENALTIES ASSESSED FOR FEDERAL UST VIOLATIONS

In February 1997, FFEQ and EPA's Office of Underground Storage Tanks sent a memorandum to the EPA Regions encouraging them to conduct inspections and issue field citations to federal facilities, where appropriate. Approximately 40 inspections have been conducted nationwide in this area, resulting in 18 field citations assessing over \$6,650 in penalties. Seven agencies have paid the fines, including the Department of Justice, the Army, the Navy, FAA, and the Veterans Administration.

Conference Update

FFEO Attends Meeting of National Congress of American Indians

EPA's federal facility enforcement program was invited to give a presentation in November 1997 to the Natural Resources Committee of the National Congress of American Indians (NCAI), meeting in Santa Fe, NM. FFEO outlined EPA's federal facilities priorities for FY98 and explained how EPA uses a mix of enforcement and compliance assistance tools to ensure that federal facilities and government-owned-contractor-operated (GOCO) facilities comply with all applicable environmental regulations.

FFEO stressed its commitment to work in partnership with tribes on a government-to-government basis to ensure the protection of tribal human health, natural resources and environments. FFEO also emphasized its commitment to seek tribal input early in any federal facility enforcement matters that may affect tribes to ensure that full consideration is given to the policies, priorities and concerns of the affected tribe and, where appropriate, to affected tribal members.

FFEO staff also attended a meeting of the NCAI Nuclear Waste Policy Committee. Since 1983, the NCAI has had a cooperative agreement with DOE's Office of Civilian Radioactive Waste to provide timely information to, and gaining feedback from, tribal governments. NCAI, which was founded in 1944 and is the oldest and largest national Indian organization, represents many tribes on potential transportation routes and emphasizes safe transportation of spent nuclear fuel. *For more information, contact William Frank, FFEO, 202-564-2584.*

Enforcement Roundtable Held in Durham, North Carolina

by Darlene Boerlage

EPA held the second in a series of Environmental Justice Enforcement Roundtables in Durham, NC on December 11-13, 1997. The event was hosted by the National Environmental Justice Advisory Council and EPA Region 4. The Roundtable is a forum for federal agencies to discuss enforcement issues with communities and hear their recommendations on enhancing citizen participation. A Public Awareness Forum was held on the first day of the Roundtable, followed on the second day, by a series of 10 breakout sessions. The Federal Facility Enforcement breakout session yielded a number of interesting points and recommendations, summarized here:

- Community representatives should be a major player in selecting advisory board members (e.g., RABs).
- Agencies need to implement the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC Report) recommendations.
- Reuse of closing bases is not beneficial to communities when "dirty facilities" are transferred prior to appropriate cleanup.
- DOE should decode and redistribute its report on "external regulations."
- DOE and DOD should conduct an internal audit of their Environmental Justice programs, and other EPA and state government offices should be trained in environmental justice issues, including Title VI of the Civil Rights Act of 1964.

For more information, contact Darlene at 202-564-2593.

Region 5's Federal Facilities Conference

Some 150 environmental managers from around the country visited Chicago for Region 5's 1997 Federal Facilities Multimedia Compliance/Pollution Prevention Conference last July. Included among the 36 speakers were: Gary D. Vest, Principal Assistant Deputy Under Secretary of Defense (Environmental Security); the U.S. Postal Service's Charles Bravo, Manager, Environmental Management Policy; the U.S. Air Force's Colonel Patrick T. Fink, Director, Pollution Prevention Directorate, and James Edward, Associate Director of EPA's FFEO.

The 1997 conference featured two additions to the already-packed roster of speakers, and exhibits: computer workshop training opportunities in EnviroSenSe, and tours of the Region 5 laboratory. Civilian federal agencies made up about three quarters of the participants.

If you have never attended a Region 5 Federal Facilities Conference and would like to place your name on the mailing list, contact Rafael Agustin, tel: 312-886-0394, fax: 312-353-5374.

LIST OF ACRONYMS

CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CWA	Clean Water Act
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
EMR	Environmental Management Review
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act of 1986
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FFEO	Federal Facilities Enforcement Office (EPA)
NPL	National Priorities List
RCRA	Resource Conservation and Recovery Act
SDWA	Safe Drinking Water Act
SEP	Supplemental Environmental Project

Upcoming Events

MARCH 10-12, 1998

First Annual Nationwide Civilian Federal Agency Environmental Symposium

Denver, CO

Sponsored by the Civilian Federal Agency Environmental Task Force, the audience will be CFA environmental managers and facility level personnel with environmental compliance responsibilities. Topics include: criminal liability, status and trends in media regulations, lab management practices, environmental auditing, etc. Contact: Will Garvey, 202-564-2458.

APRIL 28-29, 1998

Resource Efficient Federal Buildings Symposium

Colorado Springs, CO

Contact: Dianne Thiel, EPA Region 8, 303-312-6389 or thiel.dianne@epamail.epa.gov/.

JULY 1-2, 1998

Federal Facility Environmental Seminars

Dallas, TX

Topics: July 1: Indoor environment (indoor air, radon, asbestos, lead, green buildings, energy conservation). July 2: Clean Air Act. Registration deadline: May 15,

1998. Contact: Evelyn Daniels, 214-665-7453 (indoor environment) or Terry Thomas, 214-665-7160 (Clean Air Act).

AUG. 25-28, 1998

Third Annual Joint Service Pollution Prevention Conference and Exhibition

San Antonio, TX

Open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention. Hosted by the Headquarters Air Force Center for Environmental Excellence. Supported by the National Defense Industrial Association. Contact: Christy Kline or Christin Berry, tel: 703-522-1820, fax: 703-522-1885, ckline@ndia.org/.

SEPT. 9-11, 1998

EPA Post-Emergency Response Issues Conference

Washington, DC

Free conference focuses on issues of concern to emergency respondents following a significant radiological release. Contact: Sarah Wallis, 301-652-1900 or www.epaconference@scicomm.com/.

Computer Course

Environmental Statute Review Computer-Based Training Course

Overview of seven major environmental statutes using a mix of text, narration, graphics, video, and interactive exercises, aimed at state and regional environmental enforcement personnel. Developed by the National Enforcement Training Institute. Order through <http://earth2.epa.gov/neti> or contact Ellen Epstein, 202-564-6067.

REGIONAL FEDERAL FACILITIES COORDINATORS

Region 1 (CT, ME, MA, NH, RI, VT): Anne Fenn, 617-565-3927
Region 2 (NJ, NY, PR, VI): Jeanette Dadusc, 212-637-3492
Region 3 (DE, DC, MD, PA, VA, WV): William Arguto, 215-566-3367
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Region 5 (IL, IN, MI, MN, OH, WI): Lee Regner, 312-353-6478
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