



# FedFacs

an environmental bulletin for federal facilities

## EPA Issues First Federal Facility Penalty Order for Violation of TSCA Lead Disclosure Rule

EPA announced on July 29, 1998, that it has cited the Kingsville Naval Air Station (NAS) in Kingsville, Texas for violations of the Real Estate Notification and Disclosure Rule under the Toxic Substances Control Act (TSCA). This is EPA's first penalty order issued to a federal facility for violating Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act.

The administrative complaint issued by EPA Region 6 on July 28, 1998, charges that the Kingsville NAS violated regulations requiring the disclosure of known information regarding lead-based paint. The complaint alleges that disclosure of known lead-based paint should have been made prior to finalizing lease agreements for military housing constructed prior to

1978. A previous report prepared by the Navy Air Station identified lead-based paint in military housing but the information was not disclosed to the residents before they signed their leases. This situation is considered to be extremely serious because EPA Region 6 provided compliance assistance to the Kingsville NAS on the lead disclosure requirements and yet the Kingsville NAS failed to provide the report and make the required disclosure. EPA is seeking a penalty in excess of \$400,000 for these violations.

The lead disclosure regulations are particularly aimed at preventing childhood lead poisoning. All 11 leases cited in the complaint involved housing in which children under the age of six resided on the property. Over time, even low-level

exposure to lead from paint, dust, soil and plumbing can cause a range of health problems including permanent damage to the brain, nervous system, and kidneys. For more information, contact Anna Treinies, Lead Enforcement Coordinator, (214) 665-8348, or Rick Bartley, Attorney, (214) 665-8046.

### FedFacs Reduce TRI Chemicals by 50%

1996 TRI data show a three-year decrease of just over 50% in releases of TRI chemicals from federal facilities. Story on page 12.

### Inside

- 2 Guest Spot: John DeVillars
- 3 UST Deadline Coming Up in December
- 4 Regional News and Notes
- 6 Federal Buildings
- 8 SEP, Fire Policies
- 9 The Hammer
- 11 Conference Update
- 12 TRI Data Released
- 13 CFAs
- 15 Resources
- 16 Interagency
- 19 Awards
- 20 Upcoming Events

### Director's Word: Craig Hooks

## Focus on: Department of the Interior

In this issue of FedFacs, I would like to report on very encouraging developments in bringing the Department of the Interior's facilities up to compliance with environmental requirements. This effort could also have useful ramifications for other federal agencies.

During 1997, as part of EPA's focus on regulatory compliance at civilian federal agencies, EPA regions conducted inspections at a number of DOI facilities and

found that several were out of compliance. In accordance with established enforcement policies for federal facilities, EPA assessed fines of over \$1.7 million against three DOI bureaus. Most of the penalty was addressed through Supplemental Environmental Projects designed to bring those facilities and bureaus into compliance with environmental regulations. However, the compliance posture of

Continued on page 18

# A Regional Response to Global Climate Change

By John P. DeVillars, Regional Administrator, EPA-New England



After years of warnings from prominent scientists worldwide, global climate change is finally emerging in the national consciousness as a serious environmental problem. Study after study has been issued — from Nobel Prize winners to NASA to the Department of Energy — confirming the phenomenon. In this year's State of the Union Address, President Clinton called global warming our "overriding environmental challenge, an issue we must act on now to avoid catastrophe later."

In New England, many of the ways of life that define this part of the country are imperiled if we don't begin now to address the causes of global warming. Autumn in New England is unrivaled anywhere on the planet. Tens of thousands of "leaf peepers" are drawn to the region every September in search of the marvelous golds, oranges, and reds of our forests. Current models, however, predict that

drier summers and damaged soils will drive out the red maples and oaks and ash, devastating the fall foliage displays for all but the most northern parts of New England. Cape Cod could suffer an annual loss of somewhere between 130 to 200 acres of land a year due to the rising sea levels associated with increased temperatures. And while the maple syrup industry is a unique part of New England's heritage and economy, warmer nights from increased cloud cover could reduce the number of days when sap flows from our maples as much as 66 percent.

We know the source of this looming ecological and economic crisis, and we know what to do about it. Energy-related activities constitute the primary source of greenhouse gas emissions, accounting for 86 percent of total U.S. emissions annually. We also know that 30 percent of our country's greenhouse gas emissions come from cars, trucks, and other vehicles. More energy efficient technologies, cleaner power plants and motor vehicles, and better land use management all are real-world, cost-effective approaches that can lead to a safer, healthier, more economically viable future.

gas emissions at 1990 levels by 2005. The information that will be used to shape this plan will come from a greenhouse gas questionnaire (which received crucial funding from the Federal Facilities Enforcement Office at EPA Headquarters) developed specifically for civilian federal facilities. The questionnaire, which was distributed this fall, solicits information on energy use, transportation, waste disposal, and forest management/land use in an effort to better understand, analyze, and improve on current practices. Similar information will be obtained for DoD facilities from their own greenhouse gas questionnaires. The resource guide that will be developed from this research may serve as a model for federal facilities across the country.

We know what some of the key steps are toward slowing global climate change. Last summer, GSA issued a bid to purchase bulk power for New England's federal facilities. Under EPA's leadership, the Request for Proposals includes a "clean power" choice — at least 4 percent of the power supplied to the federal government will be from renewable resources, thereby creating significant new demand for renewable energy in New England. This RFP will leverage the government's buying power to bring state-of-the-art energy conservation strategies and renewable resources to our buildings. Also, by 1999, at least 50 percent of new fleet vehicles purchased will have the capacity to run on alternative fuels. EPA will assist and encourage all federal agencies in the region to purchase and use clean fuel vehicles.

Efforts to reduce greenhouse gas emissions and control global climate change involve all of us. We need the assistance and participation of New England federal facilities. For further information on how you can help, contact Lucy Edmondson at (617) 565-9095 or Anne Fenn at (617) 565-3927.

## FedFacs

is published by EPA's Federal Facilities Enforcement Office.

Joyce Johnson, FFEO, Editor  
Gilah Langner,  
Stretton Associates, Inc., Writer  
Robin Foster,  
SciComm, Inc., 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>

## A Federal Response: Getting Our House in Order in New England

For EPA, leadership must begin by example. Thus, we are looking in our own governmental backyard to the 1,200 or so federal facilities that call New England home. Only if the federal government can show that energy use can be cut effectively can we expect businesses and industry to fully join the cause.

By December, EPA-New England, DoD, DOE, and the General Services Administration will finalize a Climate Change Resource Mitigation Guide that provides options for explaining how New England's federal facilities can stabilize greenhouse

## In the News

### Second "America Recycles Day" — November 15, 1998

This year's message is: "If you're not buying recycled, you're not really recycling!"

November 15 marks the second annual "America Recycles Day" with a national slate of educational events and rallies urging people to recycle, reuse, and buy products that contain recyclable materials. Last year 41 states participated by organizing more than 3,000 events for this national recycling awareness day. The event generated nearly 200 million media impressions, including 1 million hits to its Web site, and got measurable results for recycling programs across the United States.

This year's event focuses on the need for buying recycled products. The Washington, DC federal community will sponsor a rally on Tuesday, November 10 on or near the National Mall open to federal employees as well as the general public. Recycled products used by federal agencies will be on display, and several agencies will offer musical entertainment. This year the Federal Steering Committee will also sponsor a recycled materials procurement training workshop for federal employees on Nov. 12. Federal agencies are encouraged to organize America Recycles Day activities at their own facilities or to participate in events happening in their

state or local community. For more information, contact Kim O'Keefe at 564-0013 or go to [www.americarecyclesday.org](http://www.americarecyclesday.org).

### UST Deadline Coming Up in December 1998

#### EPA and States Plan Stringent Enforcement After December

EPA's underground storage tank (UST) regulations became effective on December 22, 1988 and require owners and operators of USTs operating before that date to upgrade, replace, or close their USTs over the next ten years, before December 22, 1998. That is, owners and/or operators must either:

- Upgrade "existing" USTs (USTs installed on or before 12/22/88) by installing spill and overfill prevention and corrosion protection, or
- Permanently close their USTs by 12/22/98.

"New" USTs (installed after 12/22/88) must have the release detection, spill and overfill prevention, and corrosion protection equipment operational at the time of installation.

In the past two years, EPA, in conjunction with state UST implementing

agencies have inspected numerous federal facilities in Region 6. Inspections and audits of UST system operations found violations at facilities operated by the U.S. Air Force, U.S. Navy, Army and Air Force Exchange Service, Federal Aviation Administration, Veterans Administration Medical Centers, U. S. Postal Service, Bureau of Indian Affairs, Army National Guard, and Sandia National Laboratories. Expedited enforcement compliance orders were issued to these facilities with minor penalties ranging from \$50 to \$1000. Facilities owned by the Bureau of Engraving and Printing, the U.S. Naval facility at Belle Chase, LA, and the VA

Medical Center in Little Rock, AR were in compliance and did not receive compliance orders with penalties. Two DoD facilities did not settle the expedited compliance orders issued and have been issued formal complaints with penalties ranging over \$75,000.

EPA has found that most federal facilities have proper UST equipment for release detection, spill and overfill prevention, and corrosion protection. The facilities in violation had deficiencies in properly managing the equipment for release detection requirements. Federal agencies should ensure that their personnel are familiar with proper UST management methods and are thoroughly trained to operate UST release detection equipment to ensure pollution prevention.

The need to act now is made more urgent because there is not much time left to come into compliance, particularly if construction preparations and the necessary funding have not been initiated. EPA and state UST implementing agencies have resolved to conduct stringent enforcement of UST regulations after December 1998. For more information, contact John Cernero at (214) 665-2233 or Lynn Dail at (214) 665-2234.

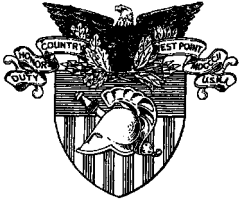
Federal agencies should ensure that their personnel are thoroughly trained to operate UST release detection equipment.

### EPA Has Penalty Authority for Federal Violations of UST

EPA's Office of General Counsel has determined that EPA has the authority under Sections 6001, 9001, 9006, and 9007 of RCRA to issue another federal agency an administrative order assessing a civil penalty for violations of underground storage tank requirements. The determination finds that the provisions of RCRA constitute a "clear statement" of EPA's authority, reinforced by the plain language of the statute. For example, RCRA Section 9006(a) authorizes EPA to issue orders to "any person" violating the regulation, while Section 9001(6) specifically states that the term "person" includes the United States Government.

## Regional News and Notes

### EMR Underway at West Point



EPA and the West Point Military Academy are conducting a pilot Environmental Management Review (EMR) to evaluate how well the Academy manages environmental planning and risk management at the facility and to identify opportunities for improvement. The EMR is designed to provide feedback on the effectiveness of specific areas in environmental management and to benchmark performance.

"West Point has agreed to develop, carry out and verify improvements to the facility's environmental management system, specifically environmental planning and risk management, based on the recommendations EPA will provide in a final report," EPA Regional Administrator Jeanne M. Fox stated. The final report will be completed by Spring 1999.

A team of experts from EPA's Region 2 office in New York City visited the site during the summer to review documents and interview facility personnel. Follow-up reviews and interviews will continue during the year.

The long term goals of the project are for the pilot EMR to serve as a prototype for other military facilities around the country and for West Point to partner with other federal agencies in developing more EMRs. For more information, contact Rich Cahill, (212) 637-3666.

Brookhaven's National Synchrotron Light Source with High Flux Beam Reactor in Background

### Brookhaven Agrees to Process Evaluation and Five-Year Audit

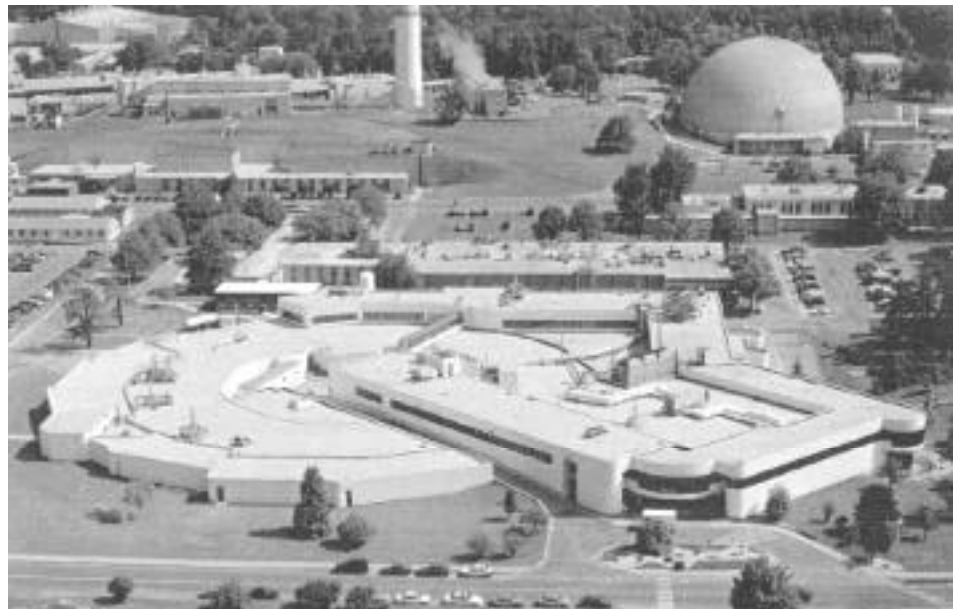
In March 1998, EPA Region 2 and the Department of Energy signed a Memorandum of Agreement to conduct two projects evaluating the operations of DOE's Brookhaven National Laboratory (BNL) in Upton, NY. The agreement was signed by Jeanne Fox, Administrator of EPA Region 2, and Martha Krebs, Director of DOE's Office of Energy Research. The two voluntary activities covered in the MOA are a facility-wide process evaluation and audits of BNL's Environmental Management System.

For the process evaluation BNL will assess all experimental and industrial-type operations at the facility for the purpose of identifying all waste streams generated at the facility. BNL will determine the regulatory status of each waste stream, ensure that all waste stream generators are knowledgeable in proper waste management and handling, and ensure that pollution prevention, waste minimization and assessment opportuni-

ties are examined, implemented, and tracked, as appropriate.

The Environmental Management System (EMS) audits require DOE and BNL to develop a five-year audit program with annual audits to evaluate the facility's progress in implementing an effective EMS. The EMS will be designed to assure full compliance with regulatory requirements and provide for continuous improvement in environmental stewardship.

The new projects arise out of a multimedia inspection of BNL conducted by EPA Region 2 with the assistance of EPA's National Enforcement Investigation Center in May 1997. Because of the enormous size of the facility, the inspection took two weeks and involved 25 inspectors from eleven programs. EPA cited DOE and BNL's contractor, Associated Universities Inc., for violations discovered during the Region 2 inspection. RCRA violations were substantial enough to warrant the





proposal of approximately \$80,000 in penalties for improper hazardous waste handling and disposal. Violations of Clean Air Act, Safe Drinking Water Act, and Toxic Substances Control Act regulations for the improper storage and handling of polychlorinated biphenyls (PCBs) were also found.

For more information, contact Jeanette Dadusc, EPA Region 2 Assistant Federal Facilities Coordinator, (212) 637-3492.

---

## Update on Groundwater Sampling Project in Nebraska and Kansas

Sampling of groundwater near USDA grain bin sites in Kansas and Nebraska has found that over a quarter of sites sampled had detectable levels of carbon tetrachloride (CCl<sub>4</sub>) in the water. Out of the 118 locations with detectable CCl<sub>4</sub>, 56 showed levels above the maximum contaminant level (MCL) of 5 parts per billion allowed for CCl<sub>4</sub>. Thirty-two of these are public water supply systems; the other 24 are private wells whose residents have been given bottled water and/or carbon filters or connected to nearby public water systems by USDA.

The Commodity Credit Corporation, an agency of USDA, operated approximately 4,500 grain storage sites nationally from the 1940s until 1970.

Approximately 1,800 of the sites are located in Region 7 (Iowa, Kansas, Missouri, Nebraska). USDA fumigated grain stored at these sites with CCl<sub>4</sub>, a probable

human carcinogen. Findings of CCl<sub>4</sub> in nearby groundwater led, in early 1997, to a collaborative response from EPA Region 7, EPA Headquarters, Kansas, Nebraska, and USDA. Over 500 sites in Kansas and Nebraska were scheduled for sampling to ensure that residents using private drinking water wells are not consuming contaminated water.

EPA Region 7 will begin a similar project in Missouri this fall, to sample all 69 sites in the state. In addition, options are being examined to address 1,100 untested sites in Iowa. For additional information, contact Jeff Field, EPA Region 7, (913) 551-7548, or Lance Elson, FFEQ, (202) 564-2577.

---

## Three EPCRA Inspections Conducted

The EPA Region 6 Preparedness Team conducted three inspections at federal facilities to determine compliance with the provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA), Sections 312 and 313. The three facilities inspected included: Pine Bluff Arsenal in Pine Bluff, AR; NASA Johnson Space Center in Las Cruces, NM, and McAlester Army Ammunition Plant in McAlester, OK.

All three facilities cooperated with EPA's inspectors and all three were in substantial compliance with the provisions of EPCRA Section 312. At McAlester Army Ammunition and Pine Bluff Arsenal, inspectors also conducted a voluntary audit of the water treatment facilities for

preparedness and response activities. Both facilities were found to be working well with their local communities. EPA made additional recommendations in these areas as well.

For Section 313, which covers the Toxics Release Inventory, Johnson Space Center was found to be in compliance. However, McAlester Army Ammunition Plant and Pine Bluff Arsenal had discrepancies. On July 14, 1998, EPA issued a letter of noncompliance to Pine Bluff Arsenal. EPA is currently working with McAlester on its requirements. For more information, contact Morton Wakeland, (214) 665-8116, or Steve Mason, (214) 665-2292.

---

## EPA Region 6 Seeks Comments on Cumulative Risk Index Analysis for Federal Facilities

EPA Region 6 has developed a Geographical Information System (GIS) screening tool for federal facilities, called the Federal Facilities Risk Index Analysis (FRIA). The tool uses sub-watershed level ecological vulnerability data coupled with facility-specific impact data to provide a comparative view of a facility or group of facilities. FRIA can be used for permitting, compliance assistance, National Environmental Policy Act, and enforcement purposes. Region 6 is seeking review and comment on the tool. It can be downloaded from [www.epa.gov/earth1r6/6en/xp/enxp4b.htm](http://www.epa.gov/earth1r6/6en/xp/enxp4b.htm). EPA hopes that this screening tool can be developed for a variety of federal agencies, along with opportunities to explore federal facilities' impacts on their watersheds. For more information, contact Sharon Osowski at (214) 665-7506 or [osowski.sharon@epa.gov](mailto:osowski.sharon@epa.gov).

Over a quarter of sites sampled had detectable levels of carbon tetrachloride (CCl<sub>4</sub>) in the water.

# Federal Buildings

## “Green” Federal Buildings Symposium Hits Colorado Springs

The numbers alone boggle the imagination: The U.S. government owns or leases more than 500,000 buildings. This represents 3.1 billion square feet of office space, not to mention aircraft hangars, military bases, hospitals, court houses, prisons, and tourist destinations. The General Services Administration, one of three agencies that build and renovate federal buildings, has a building fund of \$5.2 billion. A “green building” approach at the federal level clearly can have massive positive impacts within the government as well as modeling success stories for others.

The Resource Efficient Federal Buildings Symposium was held on April 28-29, 1998, at the U.S. Air Force Academy to showcase green building success stories in the federal, state, local and private sectors. The goal was to encourage architects, civil engineers, building managers,

realty specialists, and tenants within the federal sector to routinely apply green building techniques to all future projects. This symposium was sponsored by the FFEO, EPA Region 8, DOE’s Federal Energy Management Program, the Air Force Center for Environmental Excellence, and the Air Force Academy Civil Engineering Division and Faculty.

Thirty-seven speakers contributed to the program. Successful case studies included the new EPA Laboratory at Research Triangle Park, the Utah Natural Resources Department Headquarters, a new NOAA Laboratory in Boulder, CO, the Mather Point Transit Center at Grand Canyon National Park, and a new Squadron Operations Facility at Seymour Johnson Air Force Base. The Utah case study demonstrated that success in these buildings can be measured by increased worker productivity in addition to energy and water savings, reduced maintenance costs, and enhanced public image.

Two of the most visionary presentations were those by Jeff Oldham of the Real Goods Trading Company and Bill Brown-

ing of the Rocky Mountain Institute. They showed many innovative ways to connect people to their natural environment through buildings and landscaping. The Solar Living Center is a testament to sustainable design, land restoration and self-sufficiency; there are no traditional mechanical systems in the building. With funding from DOE and EPA, the Rocky Mountain Institute has developed a CD-ROM called “Green Development” featuring over 100 case studies of sustainable design and construction.

Green renovation of historic office buildings was explained by a team from the new EPA Headquarters building in Washington, D.C., and Bill Browning of RMI. As they discovered, some federal buildings were originally designed in the 1800s with energy efficient features that have been disabled over time. One part of the renovations has been an effort to get the buildings to operate as they did when they were first constructed.

Building materials came into the discussion in two ways — first, building with resource efficient materials, and second, de-construction, or disassembling buildings so that the materials can be used to build other buildings. On the former topic, each participant received a copy of the Guide to Resource Efficient Building Elements, published by the Center for Resourceful Building Technologies in Missoula, Montana. Linda Brown of Scientific Certification Systems reviewed life cycle impact assessments of building materials and energy systems, and how such assessments can help steer a project toward “green.” Tom Napier of the Army Corps of Engineers demonstrated a knowledge database which helps architects incorporate sustainability into their decision-making process.

On de-construction, four speakers — from the National Park Service, Fort McCoy, EPA Headquarters, and Boulder, Colorado — demonstrated how buildings slated for demolition can be partially deconstructed by hand before the bulldozers

Fran McPoland, Federal Environmental Executive, talks with Randy Jones of the Federal Energy Management Program at the Federal Buildings Symposium.



are turned loose. De-construction can be cost effective if properly planned, and can preserve special building materials that are no longer available. For example, at the Presidio in San Francisco, Port Orford cedar boards were found that had been used to construct World War II barracks.

## Finding Efficiencies

A number of speakers said that the costs saved by “green buildings” for reduced sick leave and improved productivity are substantially greater than the dollars saved by energy or water conservation. Often this aspect of green buildings isn’t addressed. Another recurring theme was that green buildings don’t have to cost more. Environmentally unfriendly buildings actually cost more over the operational life of the facility.

Tools for energy efficiency and alternative energy were a major focus of the symposium. Hal Post of Sandia National Labs showcased 150 solar energy projects within the National Park Service, Bureau of Land Management, Forest Service, and DoD totaling 2 MW of solar power. And Air Force cadets gave a presentation on the new Air Force Design Guidelines for buildings, stressing that conservation is certainly the most cost effective approach for any existing building.

Tom Walker of the General Services Administration noted that GSA will spend \$233 million on utilities in FY 99 and \$80.5 million on energy and water conservation projects. The new Energy Center of Excellence in Kansas City will provide assistance as GSA works towards the required 30% reduction in energy usage by 2005.

“Lessons learned” that were identified at the symposium included the following:

- A “first cost bias” in federal decision-making limits the use of life-cycle cost savings to justify selection of an environmentally preferable product, material or approach.

- Communication and cooperation between the architecture/civil engineering community and the environmental community are inadequate. “Green” matters are often viewed by architects and civil engineers as the concern of the environmental program. Design and construction managers usually do not take responsibility to incorporate environmentally preferable features into their buildings.
- Daily oversight during the construction process is essential to ensure that the green design is actually implemented and not undercut by careless work practices or last minute substitutions.
- To stay within budget, hard decisions have to be made. EPA’s lab at Research Triangle Park built a multistory parking deck rather than cut down 20 acres of trees. Project managers found the extra money for the deck by eliminating over 200 interior doors and downgrading some finish materials to equally durable but less costly alternatives.

The symposium itself was planned as a green event. Thanks to paperless advertising through a Web site, attendees came from as far away as Japan and Alaska. Conference committee organizers selected hotels that had implemented pollution prevention practices. Coincidentally, they found that those hotels also provided first rate guest services. Hotels which were not selected expressed an interest in learning more about pollution prevention (and will be contacted).

Correspondence on the conference was conducted by e-mail to reduce the paper and mailing costs. Bus transportation was provided to and from hotels to reduce the number of cars driven. Symposium materials were printed back to back on kenaf or 100% postconsumer content paper. A sturdy, generic “REGISTRATION” banner was created that can be used by all three agencies for future

events. Refreshments were served on china plates and cups. Pop cans, plastic juice glasses, newspaper, and cardboard from the symposium were recycled. Speakers were encouraged not to bring paper handouts, but instead to e-mail one-page summaries or electronic versions of their presentations for loading onto the Web site.

The symposium Web site ([www.eeba.org/refb](http://www.eeba.org/refb)) offers summaries of all presentations. For more information, contact Dianne Thiel, EPA Region 8, (303) 312-6389; Diana Dean, USAFA, (719) 333-4483; or Jennifer Davis, DOE, (303) 275-4836.

---

## First-Ever Environmental Post Office

A ground-breaking environmental design concept for post offices literally broke ground in February 1998 on the first-of-its-kind “green” post office building in Fort Worth, Texas. A showcase demonstration, the project will test and compare green materials and systems to standard construction materials and systems in cost, availability, performance, maintenance, and aesthetics. The project supports the leadership role that the U.S. Postal Service has taken in environmental protection.

The new post office will display the full roster of environmentally friendly components: use of recycled materials, energy efficient systems, natural vegetation, rainwater harvesting, natural gas fueling of USPS vehicles, non-toxic products and products low in volatile organic compounds. The U.S. Postal Service is a major builder, adding 500-700 new buildings annually to its stock of about 35,000 facilities.

The “Green Building” is located at 2700 8th Avenue in Fort Worth and will replace the Berry Street Station. For more information, contact Joyce Stubblefield, (214) 665-6430.

---

# Policies

## EPA Issues Final SEP Policy

EPA has issued a final Supplemental Environmental Projects (SEP) Policy. The final policy was effective May 1, 1998, and supersedes the Interim SEP Policy. SEPs are environmentally beneficial projects that a defendant or respondent agrees to undertake in the settlement of an enforcement action, the performance of which is not otherwise legally required of the defendant or respondent. EPA encourages the use of SEPs which are consistent with the SEP Policy in settling enforcement actions, including those at federal facilities.

Most of the changes made to the Interim SEP Policy are clarifications to the existing language. There are no radical changes and the basic structure and operation of the SEP Policy remain the same. The major changes to the SEP Policy include:

- Adding a new section on community input.
- Changing some of the categories of acceptable projects, including a new “other” category.
- Adding a prohibition on the use of SEPs to mitigate claims for stipulated penalties except in certain defined, extraordinary circumstances with the approval of the Assistant Administrator for the Office of Enforcement and Compliance Assurance (OECA).
- Simplifying the penalty calculation by providing better definitions and using five steps rather than three. A calculation worksheet, keyed to the text of the policy, has been added. The penalty mitigation guidelines have been clarified but not substantively changed.
- Revising the legal guidelines to improve clarity and provide better guidance. The nexus legal guideline has been revised to make it easier to apply. The fifth legal guideline concerning appropriations has been revised and subdivided into four sections.

Questions regarding the final SEP Policy should be directed to Ann Kline, OECA, (202) 564-0119. For more information about SEP issues as they affect federal facilities, contact Melanie Barger Garvey, FFEO, (202) 564-2579.

## EPA Issues Interim Air Quality Policy on Wildland and Prescribed Fires

On May 15, 1998, EPA issued a national policy that addresses how fires can be used and managed in order to achieve national clean air goals (including EPA’s national air quality standards for particulate matter), while improving the quality of wildland ecosystems, including forests and grasslands. EPA worked with the U.S. Departments of Agriculture, Defense, and the Interior, as well as state foresters, state and tribal air regulators, and others to develop the policy.

The policy provides immediate guidance to federal land managers, states, and tribes on how to manage fires on wildlands and still meet air quality goals. EPA plans to revisit the policy after further analysis of agricultural burning and regional haze. EPA is working with a USDA task force to determine how best to treat air quality impacts from agricultural burning, and how to distinguish between wildland fires, which are covered by this policy, and agricultural burning, which is not.

Recognizing the critical role fire plays in the maintenance of healthy wildland ecosystems and the serious problems caused by fire suppression, in 1995 the Departments of Agriculture and Interior jointly released the results of a Federal Wildland Fire Management Policy and Program Review in 1995. The report for-

mally recognized endorsed a significant increase in the use of planned or managed fire, called “prescribed fire,” as a normal land and resource management tool. Future plans to manage fire on wildlands must incorporate public health and environmental considerations, including air quality.

EPA’s Interim Policy applies to both wildland and prescribed fires that are managed to benefit resources or the environment. Wildland owners and managers are encouraged to notify air quality managers of plans to significantly increase their use of fire on wildlands; consider the air quality and visibility impacts from smoke and take appropriate steps to minimize the impacts; consider alternative treatments to fire, including mechanical and chemical treatments; and participate in planning and implementing state and tribal smoke management programs.

Smoke management programs provide a basic framework of procedures and requirements for managing smoke from prescribed fires. Some states already have smoke management programs in place. The Interim Policy outlines the components of a basic smoke management program. Under the policy, federally prescribed fire projects would conform with state requirements (i.e., state implementation plans) if they are managed under a certified basic smoke management program. The program must require regional coordination (cooperation of all jurisdictions in an airshed) when authorizing fires and real-time air quality monitoring at sensitive receptors, when warranted, in addition to the basic program components.

For more information, EPA’s Interim Policy, a fact sheet, and other materials are available on EPA’s Airlinks Web site at <http://www.epa.gov/airlinks/> and may be downloaded from <http://www.epa.gov/ttn/oarpg>. For more information, contact Jean Rice, 202-564-2589.

Fire plays a critical role in the maintenance of healthy wildland and ecosystems





# The Hammer

## REGION 1

**E**lectric Boat Corporation and KAPL, Inc: EPA Region 1 has brought two companion enforcement cases under TSCA against KAPL, Inc. and Electric Boat Corporation (EB). KAPL, Inc. (owned by Lockheed Martin) is an operations contractor, and EB is a subcontractor, at a DOE facility in Windsor, Connecticut. The facility is part of the Naval Nuclear Propulsion Program, a program jointly administered by DOE and the U.S. Navy.

KAPL and DOE were co-permittees on an "Approval for Disposal of PCB-Contaminated Materials" issued by Region 1, which governed the disposal of PCB paint being removed from storage tanks. The Approval allowed a variance from the TSCA disposal regulations and set general operational and notification requirements for the work at the Windsor facility. Under an EPA-approved work plan setting forth specific requirements for the handling and disposal of the PCBs, KAPL and DOE were required to use disposable personal protective equipment (PPE) to the maximum extent practicable and to dispose of such PPE with the PCB waste. The work plan required that any non-disposable equipment be cleaned and tested for PCBs.

On December 27, 1996, DOE inspected the PCB paint removal work being performed by KAPL and EB and discovered that EB personnel were using launderable coveralls and hoods instead of disposable PPE. In addition to this violation, DOE also learned that, on two prior occasions, launderable coveralls and hoods had been shipped to a commercial laundry in New Bedford, MA without having been tested for the presence of PCBs. A load of launderable coveralls awaiting shipment to the laundry was tested for PCBs; the test results showed that concentrations of PCBs on the coveralls were high enough to require compliance with TSCA. Although DOE knew, on December 27, 1996, of actual and potential violations, instead of reporting them to EPA Region 1

within 24 hours as required under the terms of the Approval permit, DOE reported the matter to EPA one week later, on January 3, 1997.

Region 1 filed administrative civil penalty actions against KAPL and EB for violations of the Approval and TSCA regulations. DOE was not named as a respondent. EB paid \$13,600 and KAPL paid \$12,750 in penalties..

## REGION 3

**U**.S. Mint, Philadelphia, PA: On January 23, 1998, EPA Region 3 filed a Clean Air Act administrative complaint against the Department of Treasury, United States Mint for its Philadelphia facility. The complaint alleges violations of the chrome plating National Emission Standard for Hazardous Air Pollutants (NESHAP) and chlorofluorocarbon (CFC) regulations. Some of the allegations relate to potentially serious environmental impacts resulting from the failure to recover or recycle CFCs when servicing appliances such as air conditioners and water coolers. The proposed penalty is \$119,000. The complaint included a notice of opportunity for a hearing and an invitation to request an informal settlement conference. EPA understands that the U.S. Mint is interested in a SEP as part of the settlement.

Naval Surface Warfare Center (White Oak Facility) Silver Spring, MD: EPA Region 3 issued a unilateral administrative order to the Navy in March 1998 requiring cleanup at the Navy's White Oak facility. Although EPA and the Navy had been negotiating a RCRA Section 7003 order on consent for over a year, no settlement could be reached. Contamination has gone off-site at the White Oak facility, and there is substantial local concern about the delay in cleaning up contaminated groundwater. Contaminants of greatest concern in the groundwater are heavy metals, nitroaromatic compounds, and TCE.

Washington Navy Yard/Anacostia Naval Station: On May 20, 1998, the Navy and EPA settled two administrative complaints which alleged that the Navy violated hazardous waste management regulations at the Washington Navy Yard and the Anacostia Naval Station in Washington, D.C. The Navy agreed to pay a total of \$69,000 in penalties for failing to properly train personnel who handle hazardous waste, failing to keep proper records of the training, accumulating hazardous waste for more than 90 days without a permit, and failing to keep certain records of hazardous waste that cannot be disposed of on land unless it is properly treated. The Navy also agreed to comply with regulatory requirements for training, record-keeping and accumulating hazardous waste for less than 90 days.

## REGION 4

**N**avy and DRMS, USS Robison, Charleston, SC: EPA Region 4 issued an order against the Department of Navy and the Defense Reutilization and Marketing Service (DRMS) for asbestos violations associated with the demolition of the USS Robison at the Naval Shipyard in Charleston, South Carolina. The order was issued pursuant to Section 113(a) (3) (B) of the Clean Air Act for violations of the NESHAP for asbestos. The Navy and DRMS failed to thoroughly inspect the facility where renovation occurred for the presence of asbestos, and removal of asbestos was done without proper wetting or containment of asbestos-containing waste materials. Although EPA has the authority to issue an administrative penalty order, EPA issued the order without penalties in recognition of the cooperation Region 4 has received from the Ship Sales Program of the DRMS of the Defense Logistics Agency and from the Naval Sea Systems Command (NAVSEA) in this matter.

Continued on page 10

## THE HAMMER

Continued from page 9

Redstone Arsenal, Huntsville, Alabama: On April 7, 1998, Region 4 filed an administrative complaint against the U.S. Army Aviation and Missile Command, Redstone Arsenal, for violations of the Safe Drinking Water Act (SDWA). This is the first penalty action taken against a federal facility under Section 1447 of SDWA. The complaint, pursuant to the SDWA and the newly revised Part 22, seeks penalties of up to \$25,000 per day per violation.

The action addresses violations uncovered during a March 18-19, 1997, multimedia inspection at Redstone. The inspection and subsequent investigation revealed that Redstone violated the Surface Water Treatment Rule, Total Coliform Rule, and Public Notification Rule, including a maximum contaminant level (MCL) violation of total coliform. Redstone also failed to properly operate and maintain its storage tanks and reservoirs, a water main flushing program, and a disinfectant residual in the distribution system, to meet the MCL for total coliform. The Region had issued an administrative order on June 30, 1997, to address the injunctive relief required to bring Redstone's system back into compliance.

## REGION 6

Corpus Christi Naval Station, TX: EPA Region 6 issued a Notice of Violation to the Corpus Christi Naval Air Station, Corpus Christi, Texas, on May 29, 1998, pursuant to Section 113(a)(1) of the Clean Air Act. During the air portion of the multimedia inspection conducted on July 16 and 17, 1997, at the Corpus Christi Naval Air Station, the EPA inspector noted several violations, including: (1) failure to keep doors closed and to properly operate a dry filter system for a spray paint booth, and (2) failure to maintain the minimum face velocity of 100 feet per minute (fpm) at the intake opening of each booth or work area. As a result, the Corpus Christi Naval Air Station as owner and Raytheon as operator

of this paint booth were found not to be operating the spray booth in Hangar 55 in accordance with 30 TAC §106.433 and thus in violation of 30 TAC §106.04. This rule is part of the federally-enforceable State Implementation Plan (SIP).

EPA also cited the facility for construction and operation of several spray booths without the required permits and standard exemptions, and the failure to notify the state within 30 days on the construction of two boilers, required by 40 CFR §60.48c(a). The facility responded in writing to EPA on June 7, 1998, and met with EPA enforcement and legal staff on June 23, 1998, to discuss the notice and to present its plans for achieving compliance.

US Forest Service, Penasco, NM: The U.S. Forest Service was issued an administrative order on April 30, 1998 for failing to collect the required number of water samples from the Duran Campground water distribution system located in Taos County, New Mexico, and submitting them to a state-certified laboratory. The order requires the U.S. Forest Service to comply with the requirements of the Safe Drinking Water Act (42 U.S.C. §§300f to 330j-26, as amended) regarding monitoring for total coliform bacteria and the presence of total coliform bacteria in the water system. A violator of an administrative order is subject to an administrative penalty or a court-imposed penalty of up to \$25,000 per day for the violation.

Barksdale Air Force Base, LA: An administrative complaint, compliance order, and "notice of opportunity for hearing" were filed against Barksdale AFB under RCRA Section 9006 after an EPA inspector found violations of underground storage tank regulations in a May 1997 inspection. EPA is requiring Barksdale AFB to conduct a system's test of all UST systems in violation (tank and lines) and submit the results to the Louisiana Department of Environmental Quality and EPA, Region 6.

US Postal Service, Shreveport, LA: On January 13, 1998, the U.S. Postal Service facility at 2400 Texas Avenue, Shreveport, LA was issued a compliance order and settlement agreement for fail-

ing to provide adequate release detection methods on an underground storage tank, as required by state regulations. The operator of the facility has corrected the violation and paid a penalty of \$300.

US Army, Fort Polk, LA: On January 13, 1998, Shopette #3 at Fort Polk was issued a compliance order and settlement agreement for failing to provide adequate release detection methods on three underground storage tanks as required by state regulations. The operator of the facility has corrected the violation and paid the \$750 penalty.

Another building at Fort Polk (Building 1725) was the cause of a second compliance order and settlement agreement issued on January 13, 1998 for failure to provide proper testing and maintenance on four underground storage tanks. The operator of the facility has corrected the violation and paid the \$800 penalty.

Tinker Air Force Base, OK: A complaint and "notice of opportunity for hearing" were issued to Tinker AFB in Oklahoma City on January 13, 1998, for violations of RCRA underground storage tank (UST) regulations uncovered in a May 1997 inspection. The facility had failed to provide methods of release detection for tanks and attached piping, failed to maintain detection records, and failed to notify the state within 30 days of placing an UST into operation.

U.S. Army Pine Bluff Arsenal, AR: The U.S. Army Pine Bluff Arsenal in Pine Bluff, Arkansas, has been issued a "show cause letter" under Executive Order 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements." On January 12, 1998, an EPCRA compliance inspection was conducted at the Pine Bluff facility. Prior notification had been given in order for facility personnel to ensure that appropriate documents were available for review. From the information made available by Pine Bluff Arsenal, the facility had failed to report toxic chemicals to EPA and the State of Arkansas as required and failed to maintain the necessary records. On September 8, 1998, EPA determined Pine Bluff to be compliant with EPCRA §313.

## Environmentally Preferred Purchasing Training

In April, over 70 federal agency personnel and others attended a training session on environmentally preferred purchasing held at the Department of Commerce's National Institute of Standards and Technology Laboratories in Boulder, Colorado. Hosted by EPA, the Region 8 Pollution Prevention Program, and the Denver Federal Acquisition Council, the program was targeted toward affirmative procurement specialists, supply specialists, purchasing agents, contracting officers and environmental managers and staff responsible for implementing an affir-

mative procurement program. Environmentally preferred purchasing addresses multiple environmental attributes, such as recycled content, toxicity, air pollution potential, etc.

The featured speaker at the April training session was Fran McPoland, the Federal Environmental Executive, who discussed accomplishments to date and what remains to be done to fulfill the requirements of E.O.12873. Other speakers included Kim Holland, Defense Supply Center, Richmond, who discussed re-refined motor oil and closed loop oil recycling within the federal government and the new government-wide contract awarded to Safety Kleen for sale of re-refined motor oil and recycling of used oil.

Doenee Moscato from the Army Environmental Center, Aberdeen Proving Ground, presented an overview of the Army's Affirmative Procurement (AP) Program, and a briefing on its Web site. Cheryl Galida, USDA Forest Service in Fort Collins, presented new and practical innovations for including pollution prevention in procurement practices. Gilbert Bailey, EPA Region 8, reviewed the purchasing practices used by DoD in its case study, Paving the Road to Success. Patricia Kain, US Postal Service, Denver, discussed her efforts in affirmative purchasing and pollution prevention through purchasing practices. For more information, contact Ernie Lombardi at (303) 312-6388.

## THE HAMMER

Continued from page 10

## REGION 9

**F**resno Drum Removal Site: On May 28, 1998, EPA finalized an administrative order on consent with the U.S. Department of Defense (including the Army, Navy, Air Force, and Defense Logistics Agency) under Section 122(h)(1) of CERCLA. Under the order, DoD will pay \$387,000 into a special account for future response actions at the site and will seek Congressional appropriations of \$778,425 as reimbursement for past response costs, together with amounts necessary to reimburse EPA for any future costs in excess of \$387,000. The settlement amount represents 90% of total past costs and estimated future costs. DoD will pay 100% of any future costs which exceed EPA's future cost estimate. If DoD's Congressional request is unsuccessful, it is obliged to continue seeking reimbursements until FY 2005.

The Fresno site is an abandoned mili-

tary surplus resale facility. From approximately 1961 until 1986, the owner/operator of the site purchased out-of-date or off-specification hazardous substances from DoD agencies. The hazardous substances included thickened red lead paint that accumulated at the site and was released into the environment as the result of deteriorating containers and fire. EPA's inventory indicated that all of the drums and containers which still had evidence of hazardous substances bore military markings. Past response actions at the site include EPA's removal of over 4000 drums and containers.

McClellan Air Force Base, CA: The 1999 National Defense Authorization Act, as passed by the House of Representatives and presented to the Senate on May 22, 1998, would authorize the payment of penalties assessed under CERCLA for McClellan Air Force Base. Section 2821 of H.R. 3616 authorizes up to \$15,000. The full text and related legislative documents are available from the Library of Congress' Web site, at <http://thomas.loc.gov>.

## Environmental Justice Workshop for Federal Facilities

**F**FEO and Region 6 held an Environmental Justice Workshop in Dallas, Texas in January 1998 for federal agency environmental managers and other stakeholders. Participants discussed the June 1997 report, "Federal Facilities Environmental Justice Enforcement Initiative" which analyzed TRI reports from federal facilities for 1994. Workshop members discussed the risk and health effects posed by the facilities and pollution prevention factors which have led to a decrease in reported toxic emissions in the past several years.

As a follow-up to the meeting, Region 6 provided federal agencies with environmental justice GIS maps for individual facilities. Also provided was a health indicator model developed by EPA's Office of Pollution Prevention and Toxics, known as the TRI Relative Risk-Based Chronic Human Health Indicator. This model provides a relative risk ranking for each

Continued on page 12

---

# Federal Facilities Reach E.O. Goal!

## 1996 TRI Releases from Federal Facilities Drop 25% Over 1995 and 50% Over 1994

EPA's latest TRI data show a decrease of 24.9% in environmental releases from federal facilities between 1995 and 1996. Federal facilities reported releasing 6.5 million pounds of TRI chemicals into the environment, down from 8.7 million pounds in 1995. Since federal facilities began reporting to TRI in 1994, total reported on-site and off-site releases have dropped by 50.4 percent (from 11 million pounds to 5.4 million pounds of core TRI chemicals that were reportable in each year). Executive Order 12856, which required federal facilities to report toxic releases, also required federal agencies to develop goals to reduce their total releases by 50 percent by December 31, 1999.

For the second year in a row, the num-

ber of federal facilities reporting to TRI has dropped. A total of 133 federal facilities from 13 federal agencies submitted 378 reports to TRI for 1996 (down from 144 facilities in 1995 and 193 facilities in 1994). The largest number of facilities reporting were from DoD (56%), followed by the Department of Energy (14%).

Two thirds of all on-site and off-site releases in 1996 were air emissions; air emissions also showed the largest decrease over the previous year (28.7%). The top three chemicals released into the environment were dichloromethane (a designated OSHA carcinogen), methyl ethyl ketone, and CFC-114, almost all of which represented air emissions.

Of the 378 TRI forms submitted, only 41% indicated at least one source reduc-

tion activity underway in 1996. The most prevalent type of source reduction activity undertaken was good operating practices, mentioned on 46% of forms reporting source reduction activity. Two of the facilities with the largest decreases in releases were Tinker AFB in Oklahoma and Robins AFB in Georgia, which reduced air emissions of dichloromethane by a combined total of 293,000 pounds through source reduction programs.

Information on obtaining TRI data is available from EPA's EPCRA hotline at 1-800-535-0202 or online from the TRI home page at <http://www.epa.gov/oppt-intr/tri>. TRI data can also be accessed through the Right-to-Know Computer Network at <http://www.rtk.net>.

---

## CONFERENCE UPDATE

Continued from page 11

facility based on its toxic emissions. Region 6 also introduced the Federal Facilities Risk Index Analysis (FRIA), a computer-based risk assessment model for federal facilities related to environmental justice concerns. (See story on page 5.) For more information, contact Darlene Boerlage at (202) 564-2593.

---

## NEJAC Meeting Held in Oakland, California

The 12th meeting of the National Environmental Justice Advisory Council was held in Oakland, CA on May 31-June 3, 1998. The EPA Office of Environmental Justice (OEJ) and Region 9, led by Region 9 Administrator Felicia Marcus and her team of environmental justice coordinators, hosted the meeting. The meeting began with a tour of industrial and chemical plants, an incinerator and a Superfund site. Sylvia Lowrance [Deputy Assistant Administrator for OECA] opened the general session by welcoming the participants and announcing that NEJAC will

be forming two new subcommittees to address water and air issues.

Lois Schiffer, Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice, discussed numerous EJ cases, including several criminal violations, which DOJ has pursued this year. These cases included asbestos violations and the misuse of the pesticide methyl parathion. Ms. Schiffer also described an EJ case analysis training course developed by DOJ attorneys for District of Columbia high school students. Brad Campbell of the Council on Environmental Quality presented CEQ's long-awaited final guidance document, "Environmental Justice Guidance Under the National Environmental Policy Act."

The six NEJAC subcommittees (enforcement, health and research, hazardous waste and facility siting, indigenous peoples, international, and public participation) met simultaneously. EPA Assistant Administrator Steve Herman, co-leading the Enforcement Subcommittee, emphasized the continuing need for a strong enforcement foundation within EPA and stated that the past year has

shown the strongest enforcement numbers ever. The Health and Research Subcommittee viewed a presentation on the Lead-Based Paint program and its effect on children in Maryland. The Hazardous Waste and Facility Siting Subcommittee addressed the draft Relocation Policy for Superfund Sites. NEJAC and other stakeholders have provided comments on this draft policy which describes when a community should be relocated from a hazardous waste location for their health protection.

During several sessions of public comment, communities around military installations expressed the need for more open communication between the facility environmental program personnel, advisory board, and local reuse board on the cleanup at the facility. Communities want to be involved early on in the decision process and they want their input to be incorporated into the cleanup which is selected and implemented at the site. For more information on NEJAC or environmental justice at EPA, go to <http://es.epa.gov/oeca/oejbut.html> or contact Darlene Boerlage, FFEO, at (202) 564-2593.



## First Annual CFA Symposium Held in Denver

On March 10-12, 1998, the First Annual Civilian Federal Agency Environmental Symposium was held in Denver, Colorado. Sponsored by the CFA Environmental Task Force, the focus of the symposium was on partnerships to achieve facility-level compliance with environmental regulations. Presentations emphasized solutions to environmental compliance issues and shared real-world examples of efforts that have gone beyond regulatory compliance requirements. More than 425 field-level personnel and environmental managers attended from over 20 civilian agencies. During the three days of the symposium, approximately 80 speakers from a dozen agencies covered 50 topics in both panel and break-out session formats.

The symposium follows a successful workshop in 1997 for CFA field personnel (civilian federal agencies are defined as agencies other than DoD and DOE). Panel discussions addressed such topics as the Administration's Clean Water Action Plan; criminal liabilities at federal agencies; and environmental responsibilities of the federal community on tribal/envi-

ronmental justice issues. Senior managers from EPA and the Departments of Agriculture, Interior, and Justice discussed environmental compliance at CFAs, followed by a session of state perspectives on CFA compliance. Three break-out sessions were held concurrently each day on the themes of facility environmental management, tools for regulatory compliance, and environmental management systems.

To limit the amount of "leftover" handouts from the presentations, on the back of each attendee's name badge was listed a set of numbers correlated to each presentation. Attendees circled the presentation number and when the name badges were collected, requestor lists and mailing labels were generated and forwarded to each of the presenters. In addition to cutting down on excess presentation materials, this method gives presenters a list of people with similar interests for future interaction.

Comments on the Symposium indicated that the event was well received, even, as several people noted, "way overdue" and "a great start at getting us all togeth-

er." Suggestions received will be incorporated into next year's symposium — stay tuned for the date and location!

### CFA Compliance Assistance Center: We'd Like Your Feedback!

FFEO is considering establishing a Compliance Assistance Center to serve CFAs. This would be a centralized source offering CFA facility and environmental managers quick responses to compliance inquiries. Delivery mechanisms could include a dedicated telephone assistance line and an Internet Web site. We'd like your feedback! Please take a few minutes to complete the survey on the back of this page, then either fax it to (202) 501-0069 or mail it to the address below.

TURN OVER FOR  
SURVEY FORM

## FedFacs

United States Environmental  
Protection Agency (2261)  
Washington, DC 20460

Official Business  
Penalty for Private Use \$300

Forwarding & Return Postage Guaranteed  
Address Correction Requested

Susan Weiner  
Federal Facilities Enforcement Office (2261A)  
U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

PLEASE  
AFFIX  
POSTAGE

# CFA COMPLIANCE ASSISTANCE CENTER SURVEY

Where applicable, check all that apply.

1. What organizations within your agency/bureau need compliance assistance?

- Headquarters  Field Offices and Facilities  
 Headquarters and Field Offices

2. How many facilities do you have environmental management responsibilities for?

- 1-10  10-20  
 20-50  More than 50

3. What kinds of compliance assistance does your agency/bureau need?

- Regulatory compliance policy and guidance manuals  Technical/technology  
 Research and development  On-site assistance  
 Other (specify) \_\_\_\_\_

4. What kinds of compliance information would be helpful to your organization?

- Waste management  Environmental restoration and remediation  
 Multi-media  Media- or statute-specific assistance  
 Environmental Management Systems (EMS)  Permits  
 Environmental technologies  Pollution prevention (P2)  
 Environmental justice  Project tracking  
 Other (specify) \_\_\_\_\_

5. Where does your agency currently seek compliance assistance?

- EPA Federal Facilities Enforcement Office  EPA Regional Offices  
 EPA hotlines or clearinghouses  EPA Internet home page  
 Enviro\$en\$e home page  
 Other (specify) \_\_\_\_\_

6. How often does your organization seek compliance assistance from any source?

- Never  5-10 times per month  
 1-5 times per month  More than 10 times per month

7. What kinds of difficulties have you encountered in seeking compliance assistance?

- Lack of timely response to assistance inquiries  Assistance not relevant  
 Assistance not specific enough  Unsure where to go for assistance  
 Directed to other assistance sources (i.e., the "run-around")  
 Other (specify) \_\_\_\_\_

8. Of the following types of compliance assistance services dedicated to CFAs, which would your organization use most often?

- Field center  Web site  
 Hotline  Listserv mailing list  
 Training

9. Would your agency be interested in contributing funding to maintain a CFA compliance assistance center?

- Yes  No  Don't know

10. Where are you located?

- Headquarters  Field (facility/installation)  Regional Office

Please fold, affix postage,  
and mail.

# Resources

## OECA Docket and Information Center Opens

OECA has announced the opening of the Enforcement and Compliance Docket and Information Center (ECDIC), located in Room 4033 of the Ariel Rios Building in Washington, DC. ECDIC provides the public and EPA staff with a central location for retrieving rulemaking docket materials, OECA policy and guidance documents, and other public information that supports the Agency's enforcement and compliance activities.

ECDIC opened in early January 1998 and now houses over 600 policy and guidance dockets, 100 publications, and several regulatory dockets. Holdings include the Audit Policy Docket, Supplemental Environmental Projects Policy, and the annual Enforcement Accomplishments Report.

ECDIC reflects EPA's recent efforts to provide better public access to Agency records and information. Reading, photocopying, fax, and mail distribution facilities are available. The center is open for business from 8:00 am to 4:00 pm. For more information, contact Lee Carothers, (202) 564-2614 or Donna Williams, (202) 564-2119 (docket.oca@epamail.epa.gov), or check out the ECDIC Web site at <http://es.epa.gov/oca/polguid/enfdock.html>.

## EPA Issues Risk-Based Policy for Federal Facilities

On August 21, 1998, EPA issued the long-awaited "Interim Final Policy on the Use of Risk-Based Methodologies in Setting Priorities for Cleanup Actions at Federal Facilities." This policy implements one of the Administrator's Superfund reforms, specifically addressing "the use of risk-based priority setting for determining federal facility clean-up milestones." It also implements Chapter 5 of the Final

Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC), also known as the "Keystone" report, issued in April 1996. The policy establishes a process for EPA, federal agencies, states, tribal governments, and stakeholders to use risk and other factors to establish the respective priority of a site for cleanup.

The policy helps regulated agencies integrate risk-based planning with their budget processes and ensures that enforceable milestones can still be included in federal facility agreements. For a copy of the policy, contact: Darlene Boerlage, OECA, at (202) 564-2593, or Joyce Olin, OECA, at (202) 564-2582, or Remi Langum, OSWER, at (202) 260-2457.

## Facts About "The Federal Fifteen"

EPA has analyzed federal facility TRI data for 1994 and 1995 to: 1) determine the most commonly used and released chemicals; 2) identify current pollution prevention approaches and ongoing P2 research and development to lower or substitute the use of toxic chemicals; and 3) identify potential R&D/transition needs.

The results of this analysis are presented in a series of 15 chemical fact sheets. Each fact sheet contains: a chemical profile, statistics on the generation, release, and reduction of the chemical, and the federal facilities reporting that chemical under TRI. Fact sheets also include descriptions of currently available P2 approaches and technologies and identify ongoing P2 R&D projects. Fact sheets are available for the following chemicals:

<input type="checkbox"/> 1,1,1-Trichloroethane	EPA-300-F-98-002A	<input type="checkbox"/> Methanol	EPA-300-F-98-002I
<input type="checkbox"/> Ammonia	EPA-300-F-98-002B	<input type="checkbox"/> Methyl Ethyl Ketone	EPA-300-F-98-002J
<input type="checkbox"/> Chromium Compounds	EPA-300-F-98-002C	<input type="checkbox"/> Nitrate Compounds	EPA-300-F-98-002K
<input type="checkbox"/> Dichloromethane	EPA-300-F-98-002D	<input type="checkbox"/> Tetrachloroethylene	EPA-300-F-98-002L
<input type="checkbox"/> Dichlorotetrafluoroethane	EPA-300-F-98-002E	<input type="checkbox"/> Toluene	EPA-300-F-98-002M
<input type="checkbox"/> Ethylene Glycol	EPA-300-F-98-002F	<input type="checkbox"/> Trichloroethylene	EPA-300-F-98-002N
<input type="checkbox"/> Freon 113	EPA-300-F-98-002G	<input type="checkbox"/> Xylene (Mixed Isomers)	EPA-300-F-98-002O
<input type="checkbox"/> Hydrochloric Acid	EPA-300-F-98-002H		

To order copies of these documents, place a check beside the document you want and mail or fax this page to FFEO.

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Mail to: Federal Facilities Enforcement Office (2261A)  
U.S. EPA  
401 M Street SW  
Washington, D.C. 20460  
Fax to: 202-501-0069

## Ship Scrapping Panel Issues Report

In April, the Department of Defense released a report of the Interagency Panel on Ship Scrapping. The panel was convened in response to issues raised in a Pulitzer Prize-winning series in the Baltimore Sun about the poor environmental, health, and safety conditions in both domestic and overseas scrapping facilities. The panel was asked to review the Navy and US Maritime Administration programs to scrap vessels and to identify ways to ensure that vessels are scrapped in an environmentally sound and economically feasible manner. Agencies represented on the panel included the Departments of Defense, Justice, Labor, and State, as well as the Coast Guard, Defense Logistics Agency, EPA, Maritime Administration, and the Navy.

The panel's deliberations resulted in a number of recommendations for improving domestic and international ship scrapping and strengthening oversight of this complex industrial endeavor.

### PCB Guidance

The panel recommended that EPA and OSHA, along with DLA, the Navy, and MARAD, develop guidance for the testing, removal, and disposal of non-liquid PCBs in accordance with applicable rules and regulations. EPA is evaluating the usefulness of recent sampling data from the Navy and MARAD and in developing the guidance. The sampling data will also be used to estimate the volume of waste in order to establish financial assurance for required closure plans.

### Improved Regulatory Oversight of Ship Scrapping Operations

In order to improve oversight of scrapping operations, the panel recommended that EPA, Navy, MARAD, and OSHA agree to

notify EPA and OSHA when a ship scrapping contract is let and the location of the proposed scrapping operation; invite EPA and OSHA participation in post-award/pre-performance conferences at which environmental plans are reviewed; and share compliance histories of prospective bidders at the request of DLA or MARAD. EPA has developed a draft memorandum of understanding that will be shared with the other agencies for review and consideration. EPA has also written to both Navy and MARAD seeking information on numbers and locations of surplus vessels in their fleets and information regarding facilities that are or have been engaged in scrapping Navy or MARAD vessels.

The panel further encouraged EPA and OSHA to conduct joint compliance inspections of ship scrapping operations. Several weeks ago, OSHA, EPA Region 6, and EPA's National Enforcement Investigations Center informally visited ship scrapping facilities in Brownsville, Texas. The results of the EPA visits are currently under review and will be used to help develop a protocol for comprehensive, multimedia environmental inspections of ship scrapping operations.

The panel also urged EPA — and EPA has agreed — to develop a compliance manual that outlines relevant environmental requirements for ship scrappers. The manual will be a longer term project involving EPA's Office of Compliance, DLA, DRMS, and the expertise of industry groups, such as the Institute of Scrap Recyclers.

### Export Agreements

Under current TSCA regulations, export of PCBs at concentrations of 50 ppm or greater for purposes of disposal is prohibited. EPA has entered into agreements with the Navy and MARAD which would allow export of vessels for scrapping, provided that liquid PCBs are removed from the vessels along with all non-liquid PCBs that are readily removable without impairing the seaworthiness of the vessels.

Because of concerns about environmental and worker safety conditions in foreign scrapping yards, both Navy and MARAD agreed to suspend exports pending the results of the Ship Scrapping Panel. As a result of panel discussions, EPA, the Navy, and MARAD have agreed that, prior to any export of vessels, the export agreements will be revised to require providing receiving countries with more

detailed information about the materials commonly found on the ships and to provide for tacit agreement if a country does not object to the export within 30 days of notification that a ship might be exported. EPA agreed to review the export agreements annually to evaluate their use and determine whether they should remain in force.

Since the report was issued, neither the Navy nor MARAD has formally approached EPA to reinstate the export agreements. The emphasis has been on encouraging the domestic market and to evaluate the effectiveness and capacity of that market. EPA is currently working with MARAD to address issues related to

The panel recommended that EPA and OSHA, along with DLA, the Navy, and MARAD, develop guidance for the testing, removal, and disposal of non-liquid PCBs



permitting, financial assurance, sampling of potential PCB-containing materials on vessels, and other issues to ensure that, to the extent possible, U.S. military vessels can be safely scrapped in the domestic market. For more information, contact Joyce Olin, FFEO, (202) 564-2582.

---

## Workgroup on Solid Waste Landfills on Tribal Lands

An interagency workgroup has been formed to address solid waste issues on tribal lands. The workgroup will seek to clarify the nature and extent of municipal solid waste landfill problems affecting Indian tribes, and to develop a holistic strategy and action plan to address the issues. The workgroup will develop a process to obtain tribal input on the action plan prior to its implementation.

In January 1998, senior officials from EPA met with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) at Interior Secretary Babbitt's request to discuss RCRA municipal solid waste landfill and other environmental issues affecting BIA and tribal lands. At the meeting EPA proposed to work with BIA, IHS, and other federal agencies to address solid waste issues on tribal lands.

The interagency workgroup is co-chaired by the Acting Director of the Office of Solid Waste and the Director of FFEO, with participation from EPA, BIA, IHS, and DoD. Several other agencies are expected to join the workgroup in the future. At its first meeting on April 29, the workgroup agreed to the following agenda:

- Conduct an assessment of open dumps in Indian Country;
- Develop a multi-year, interagency action plan for addressing tribal solid waste needs; and
- Develop a multi-year, interagency budget strategy for funding necessary activities.



The Interagency Panel on Ship Scrapping reviewed U.S. efforts to ensure that ship scrapping is done in an environmentally sound manner.

For more information, contact Melanie Barger Garvey, FFEO, (202) 564-2574, or Beverly Goldblatt, OSW, (703) 308-7278.

---

## Guidance on Facility Closure Published

Federal agencies routinely lease and transfer real property in the course of carrying out their missions. One of the essential steps in modern real property transactions is evaluating candidate properties for potential environmental contamination and liability. The Civilian Federal Agency Task Force's Subcommittee on Facility Closures has developed a guidance document that summarizes the

requirements and processes for evaluating potential liability from environmental contamination. It also provides an introduction to the larger context of environmental issues associated with real property transfers. EPA's Safety, Health and Environmental Management Division and the Federal Aviation Administration will use the document to jointly develop a CD-ROM training tool on Evaluating Environmental Liability for Property Transfers, to be released in 1999. The CFA Task Force's "Guide to Evaluating Environmental Liability for Property Transfers" is undergoing final revisions and will be available soon in electronic and hard-copy formats. For more information, contact Will Garvey, FFEO, (202) 564-2458.

### Note: EPA Region 3 is moving!

New address: U.S. Environmental Protection Agency, Region 3, 1650 Arch Street Philadelphia, PA 19103-2029.

Telephone numbers will retain the last 4 digits of the current numbers. The 3-digit prefix changes from 566 to 814. For example, the phone of the Region 3 Federal Facility Coordinator, William Arguto, changes from 215-566-3367 to 215-814-3367.

---

## DIRECTORS WORD (continued from page 1)

DOI facilities increasingly became a matter of concern for EPA and DOI. In response, the DOI Solicitors Office proposed a meeting between Steve Herman, EPA's Assistant Administrator for Enforcement and Compliance Assurance and the various DOI bureaus to explore a process for improving regulatory compliance at DOI facilities.

In discussions held in January 1998, EPA and DOI agreed to work jointly to enhance compliance assistance across DOI bureaus and facilities with the overall goal of raising the level of regulatory awareness and compliance at all DOI facilities. This was the first time that EPA had pledged to provide compliance assistance across an entire federal agency. As a result of the agreement, Steve Herman requested that EPA regional offices make compliance assistance for DOI facilities a priority in FY 1998 and 1999. Similarly, senior management at each of the five major DOI bureaus — the National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclama-

tion, and Bureau of Indian Affairs — sent a memorandum to regional and field-level personnel affirming the importance of achieving compliance and urging cooperation with EPA.

Over the past several months, DOI and EPA have begun a review of environ-

The DOI/EPA compliance initiative is the largest effort of its kind that FFE0 has ever undertaken.

mental management at the mid and senior levels of various bureaus. EPA headquarters has funded the EPA regions to conduct field-level compliance assistance. Projects currently under consideration include:

- Performing an inventory of facility-level compliance histories and using that information to develop a compliance assistance manual;
- Assisting facilities in Safe Drinking Water Act source water protection assessments;
- Performing GIS-based cumulative risk impact analysis; and
- Directing compliance assistance to facility-based, contractor-operated activities such as vehicle maintenance.

A senior management level work group has been formed to coordinate DOI/EPA compliance activities, with representatives from the five bureaus and the US Geological Survey. The workgroup has met several times to develop objectives and discuss compliance issues such as the use of SEPs at DOI facilities, common regulated operational activities, and regulatory compliance by third parties at DOI facilities. The work group has also examined other opportunities for large-scale assistance, such as enhancing compliance training for DOI facility personnel and expanding regulatory compliance information systems available on the Internet.

One of the most innovative and far-reaching efforts in the EPA/DOI compliance initiative is an analysis of current environmental management systems within the National Park Service (NPS), including an analysis of support relationships between field-level facilities and NPS and DOI headquarters environmental offices. This review is based on the Code of Environmental Management Principles (CEMP), which is designed specifically for federal agencies. The five primary CEMP principles address management commitment; compliance assurance and pollution prevention; enabling systems; performance and accountability; and measurement and improvement.

Significant benefits from improved compliance are expected at the 1000 or so DOI facilities subject to EPA regulations. Moreover, the initiative will yield compliance assistance tools that can be used by other agencies, particularly those in the civilian federal agency community. We look forward to reporting on the successes achieved through this initiative as it gets further underway.

### On-Line Update



Interested in conferences/seminars in different Regions, Headquarters? Training opportunities? Here are some Web sites of note:

FFEO's FFLEX home page: <http://www.epa.gov/oeca/fedfac/fflex.html>

Calendar available at <http://es.epa.gov/new/contacts/calendar/index.html>

OECA home page: <http://www.epa.gov/oeca>

Calendar available at <http://www.epa.gov/oeca/calendar/index.html>

National Enforcement Training Institute: <http://www.epa.gov/oeca/neti>

EnviroSense home page: <http://www.epa.gov/envirosense>

News, calendar, and training information available at <http://www.epa.gov/news.html>

For one-stop shopping on different topics, click on the FEDERAL COOPERATIVE button on the FFLEX home page (<http://www.epa.gov/oeca/fedfac/fflex.html>). For federal agency site-links, click on the GOVERNMENTAL PARTNERS button. For more information, contact Isabelle Lacayo, (202) 564-2578 or [lacayo.isabelle@epa.gov](mailto:lacayo.isabelle@epa.gov).



## Awards

---

### Executive Order 12856 - Environmental Challenge Awards Given

The second annual Environmental Challenge Awards have been presented to three federal employees who demonstrated outstanding leadership in implementing the pollution prevention provisions of Executive Order 12856, which pledges the federal government to protect the environment by preventing pollution at the source. Here are the winners!

Randall L. Spencer, U.S. Marine Corps, Marine Corps Logistics Base, Barstow, CA. Mr. Spencer has been instrumental in planning, designing, and verifying Pollution Prevention Opportunity Assessments (PPOA) at the MCLB. He has saved the U.S. Marine Corps \$900,000 in hazardous materials through a program that allows employees to turn in their unwanted but usable hazardous material. In addition, he implemented an "off-site" diesel recycling program and pioneered a program to replace ozone depleting substances (ODS) with solvent substitutions. As a result, the MCLB is now 98% ODS free. In conjunction with product substitutions, Mr. Spencer has initiated process modification in numerous degreasing operations, including replacing vapor degreasers and establishing a cold degreasing operation.

George H. Terrell, DOD, U.S. Army Acquisition Pollution Prevention Support Office, Material Command, Alexandria, VA. As the principal Army planner for Executive Order 12856, Mr. Terrell was responsible for the development of the Acquisition Pollution Prevention Program in 1993 and 1994. In order to execute the program, he established commodity-oriented teams to integrate program requirements and execute projects. These groups control 111 separate pollution prevention projects and activities totaling \$18.8 million. As a result, haz-

ardous material has been reduced by about 60 percent and 3 million pounds of ozone depleting substances have been nearly eliminated. Mr. Terrell has also developed several P2 guides, computer software, and a Web page in order to share information on pollution prevention.

Patrick Langsjoen, U.S. Postal Service, Pacific Area Environmental Unit, South San Francisco, CA. Mr. Langsjoen has excelled in education, developing pollution prevention strategies, and identifying waste reduction opportunities. He developed a P2 program that focused on source reduction by instituting equipment, technology, and process modifications; product redesign and substitution; and improvements in housekeeping, maintenance, and inventory control. Other initiatives have resulted in an 80% reduction in sludge runoff from the vehicle maintenance facility pressure-washing system, the introduction of bioremediation enzymes to reduce sludge accumulation, and the implementation of recycling programs in all Pacific Area Districts, resulting in the collection of over 17,000 tons of material and \$133,523 in added revenue.

---

### Region 6 Hands Out Bronze Medals

EPA Region 6 has recognized several employees for outstanding contributions. For outreach to federal facilities, bronze medalists were: Joyce Stubblefield, Federal Facilities Regional Coordinator, Judy Crispin, Federal Facilities, Tim Dawson, Quality Assurance, and Wanda Boyd, Wetlands 404 Permits.

EPA Region 6 awarded another Bronze Medal to the Base Closure Team at the Naval Air Station (NAS) Chase Field for their fast track cleanup. Sing Chia served as the Facility Manager, Ragan Tate served as Attorney and David Neleigh is Chief of the New Mexico and Federal Facility Section. NAS Chase Field is a military

base which was closed in 1992 under the Defense Base Closure and Realignment Act of 1990. To expedite the cleanup process and to speed economic recovery of communities impacted by closing of the base, the Base Cleanup Team was formed to oversee all the operations at the facility. Members of the team came from the Texas Natural Resources Conservation Commission, Texas Attorney General's office and the Navy, as well as EPA.

The Base Cleanup Team established a goal-oriented process to fast track environmental clean up at the base, and to ensure remedial operation compatible with redevelopment and reuse. The team was responsible for the design of investigations, data analysis, and recommending the selection and construction of remedies. By 1995, all remedies had been selected and by 1996 the construction of all remedies had been completed. This was the first and fastest cleanup of a major military base and it was accomplished at a significant cost savings to the government. In May 1997, EPA determined that all remedies were operating successfully and approved the first Finding of Suitability to Transfer the property at NAS Chase Field.

The Chase Field cleanup has been used as a prototype by both EPA and DoD in developing a streamlined cleanup process. DoD has now established BRAC Cleanup Teams and Restoration Advisory Boards at all BRAC bases.

In 1997, the Chase Cleanup Team was assigned an additional closing base, NAS Dallas. With the experience gained from NAS Chase Field, the team applied the same model to NAS Dallas and proved its success. By the end of March 1998, the NAS Dallas Cleanup Team had saved the Navy approximately \$3.5 million in investigation costs alone. In addition, NAS Dallas has progressed faster than the other closing bases to fulfill the President's Five-Point Plan. For more information on base closures, contact Sing Chia at (214) 665-8301.

---

# Upcoming Events

November 4-5, 1998

## EPA Region 10 Federal Facility Conference

Seattle, WA

First day will coincide with EPA's Annual Tribal Conference and will focus on tribal issues. Second day will deal with traditional federal facility topics. Contact: Michele Wright, (206) 553-1747 or [wright.michele@epamail.epa.gov](mailto:wright.michele@epamail.epa.gov). Information is posted on [www.ttemi.com/circles.html](http://www.ttemi.com/circles.html).

November 8-11, 1998

## National Environmental Justice Advisory Council (NEJAC)

Baton Rouge, LA

Contact: Marva King, (202) 564-2599.

## Region 1 Federal Facility Seminars

Boston, MA

November 19, 1998: Million Solar Roofs  
January 1999: Mercury at Federal Agencies  
March, 1999: P2 Executive Orders  
Contact: Anne Fenn, (617) 565-3927

April 6-8, 1999

## 1999 Department of the Interior Conference on the Environment

Denver, CO

Theme of the conference is: "Toward a Sustainable Environment: Learning from our Successes." For information, go to <http://www.doi.gov/oepec> or contact Erin Quinn at (303) 445-2709.

May 16-20 1999

## Second Annual Civilian Federal Agency (CFA) Symposium

Seattle, WA

Contact: Kristina Alcorn at [Kristina.S.alcorn@cpmx.saic.com](mailto:Kristina.S.alcorn@cpmx.saic.com)

May 18-20, 1999

## Region 3 Environmental Conference

Baltimore, MD

DoD and EPA. The conference will present papers and discussions on hazardous site cleanup, enforcement, compliance assistance and pollution prevention. Contact: William Arguto, (215) 566-3367.

## LIST OF ACRONYMS

CAA	Clean Air Act
CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act
CFA	Civilian Federal Agency
CWA	Clean Water Act
DLA	Defense Logistics Agency
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)
GIS	Geographic Information System
MARAD	Maritime Administration
NOAA	National Oceanic and Atmospheric Administration
NPL	National Priorities List
OECA	Office of Enforcement and Compliance Assurance (EPA)
RCRA	Resource Conservation and Recovery Act
SDWA	Safe Drinking Water Act
SEP	Supplemental Environmental Project
TSCA	Toxic Substances Control Act
UST	Underground Storage Tank
USPS	U.S. Postal Service

## FedFacs

United States Environmental  
Protection Agency (2261)  
Washington, DC 20460

Official Business  
Penalty for Private Use \$300

Forwarding & Return Postage Guaranteed  
Address Correction Requested

FIRST CLASS  
POSTAGE & FEES PAID  
EPA  
PERMIT NO. G-35