

# Introduction



## EM's Challenge: Integrating Major Regulatory Requirements

# Objectives

## **Terminal Objective**

**Given the Environmental Laws and Regulations course manual as a reference, you will be able to:**

- **Trace the evolution of Environmental Management's (EM's) challenges from the Manhattan Project through the end of the Cold War and the heightened awareness in government and the public of environmental protection.**

# Objectives

## Enabling Objectives

- **Explain how National priorities changed from the Manhattan Project through the end of the Cold War.**
- **Describe the evolution of government and public attitudes towards environmental protection.**

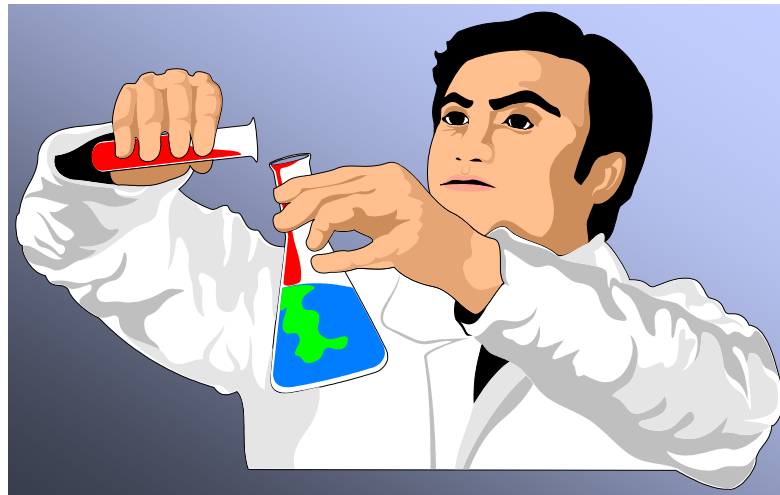
# Objectives

## **Enabling Objectives (continued)**

- **State the titles and intent of the following environmental laws and regulations:**
  - **AEA, NEPA, RCRA, FFCAct, CERCLA, CWA, CAA, OSHAAct, TSCA, EPCRA, NWPA**

# The Beginning

*The first atomic bombs were produced during World War II by a top-secret Government program known as the Manhattan Project.*



# The Beginning

*After the war ended, nuclear deterrence became the key element of the U.S. defense strategy to avoid a superpower war. An industrial system, known as the Nuclear Weapons Complex, produced tens of thousands of nuclear weapons over the next 5 decades.*



# The AEA and the AEC

## **The Atomic Energy Act (AEA):**

- **Established the Atomic Energy Commission (AEC)**
- **Assumed control and oversight of the Nuclear Weapons Complex and all nuclear development**



# The DOE's Environmental Challenges

**The environmental problems the DOE faces today are the result of years of**

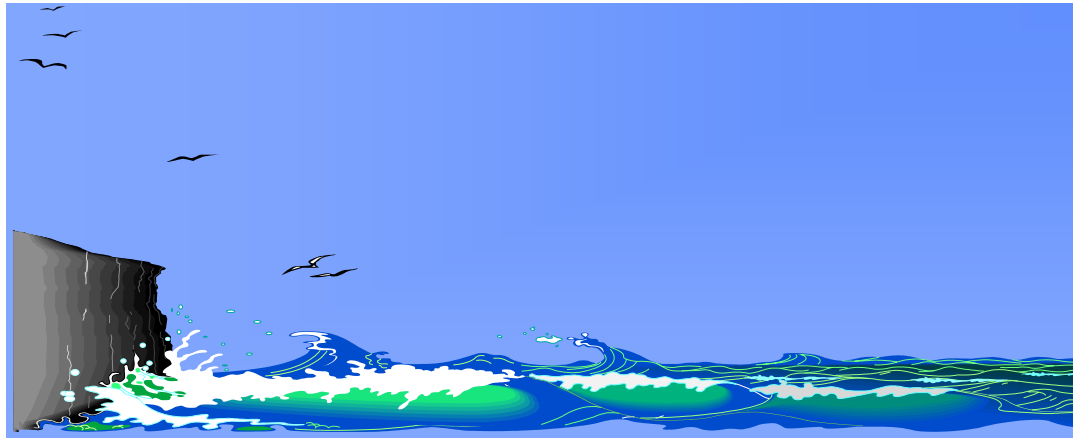
- **Research**
- **Development**
- **Production**

**with the primary focus on “mission”, and less attention on waste management.**



# The DOE's Environmental Challenges

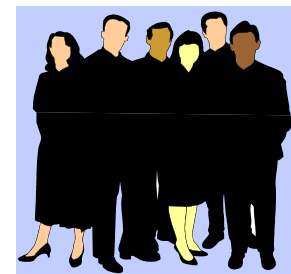
*With the end of the cold war, the priorities of the DOE and the Nation moved from defense to environmental protection and cleanup.*



# The Creation of EM

**In June 1989, the Secretary of Energy announced a 10-Point Initiative to move the DOE toward:**

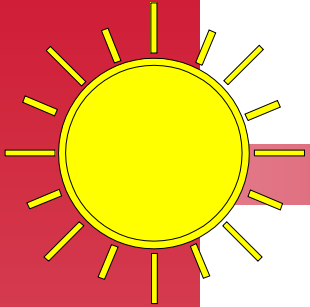
- **Full accountability**
- **Open communication**



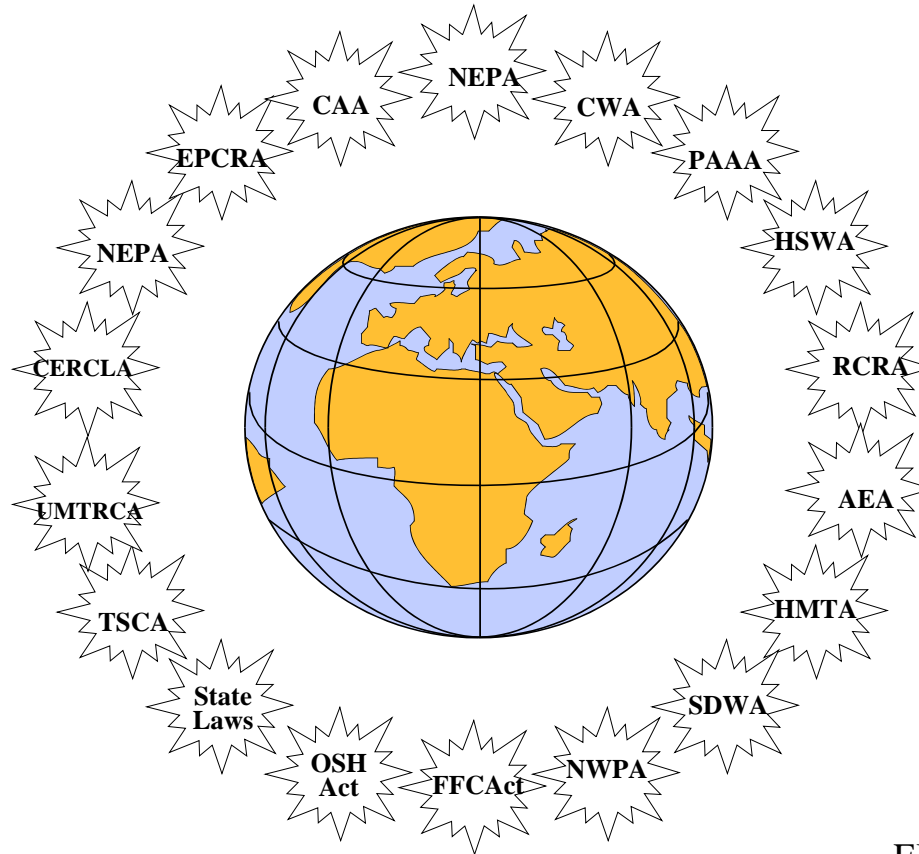
# The Creation of EM

*This brought about a cultural change within the DOE that shifted from a defense mission, to a mission of environmental consciousness. Thus, EM was created.*





# The Environmental Laws



# The Environmental Laws



**There are many environmental laws that affect the DOE and its operations. These include the following:**

- **The Clean Air Act (CAA) of 1964**
- **The National Environmental Policy Act (NEPA) of 1969**
- **The Toxic Substances Control Act (TSCA) of 1976**

# The Environmental Laws

- **The Resource Conservation and Recovery Act (RCRA) of 1976 and the Federal Facility Compliance Act (FFCAct) of 1992**
- **The Clean Water Act (CWA) of 1977**
- **The Uranium Mill Tailings Radiation Control Act of 1978**



# The Environmental Laws

- **The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980**
- **The Nuclear Waste Policy Act of 1982**



# The Environmental Laws

## **Other relevant laws include:**

- **The Safe Drinking Water Act (SDWA)**
- **The Occupational Safety and Health Act (OSHAct)**
- **The Hazardous Materials Transportation Act**
- **The Price-Anderson Amendments Act**



# The Environmental Laws

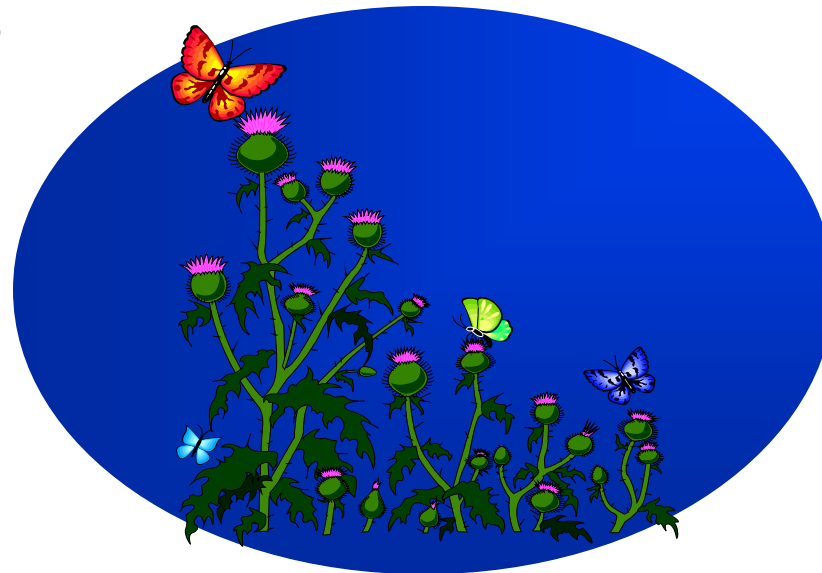
**Of these laws, the three having the greatest impact on EM's activities are:**

- **NEPA**
- **RCRA**
- **CERCLA**



# NEPA

*Passed in 1969, NEPA established national policies and goals for the protection of the environment.*



# RCRA

*RCRA was enacted in 1976 as an amendment to the Solid Waste Disposal Act of 1965 to promote environmentally sound disposal methods and foster resource conservation.*



# RCRA and the FFCAct

*The FFCAct, enacted on October 6, 1992, enables individual States to fine Federal agencies for RCRA violations.*



# CERCLA

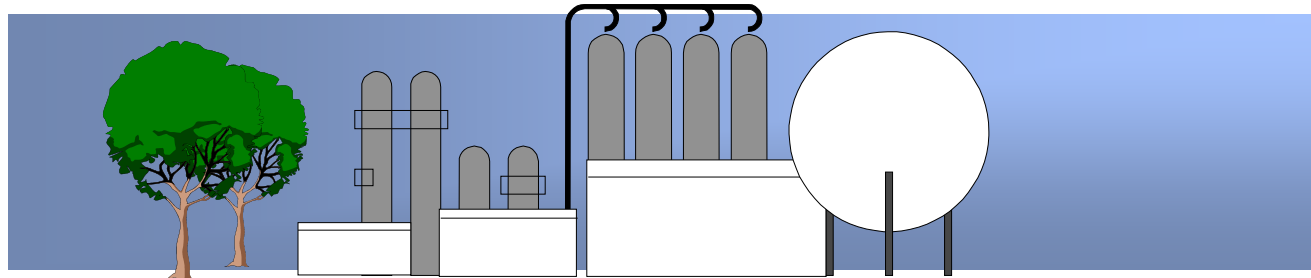
*CERCLA was passed in 1980 to respond to the national concern about the release of hazardous substances to the environment.*



# Compliance Agreements

**Since 1979, numerous compliance and cleanup agreements have been established that:**

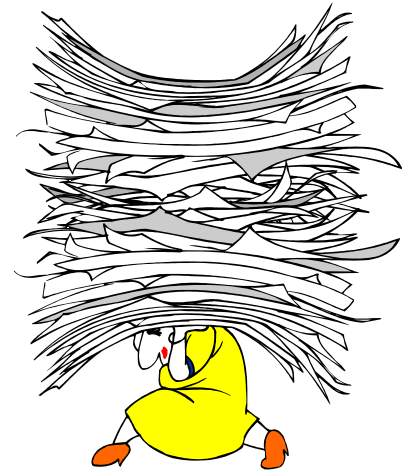
- **Outline compliance procedures for both Federal and State environmental laws and regulations**
- **Are instrumental in ensuring the cleanup of active or inactive facilities and sites**



# Compliance Agreement Modifications

**Modifications to compliance agreements  
are ongoing due to:**

- **Fluctuating budgets**
- **Milestone challenges**
- **Transitioning of responsibilities  
and facilities to EM from other  
DOE organizations**
- **New statutory requirements**



# Interagency Agreements

**Interagency agreements (IAGs) define the rights and responsibilities of parties and outline specific remediation milestones. Under an IAG, affected parties:**

- **Prioritize activities**
- **Determine treatment technologies**
- **Make important decisions**





# Interagency Agreements

## **IAGs usually:**

- **Specify an informal dispute resolution process between the DOE and regulators**
- **Provide methods to ask for extensions**
- **Specify the type of enforcement actions to be taken against the DOE, if it has not complied with the IAG**

# Integration of Regulatory Authorities

*Integration of regulating authorities can create a complex working framework for regulatory agencies and the DOE. Ambiguity in regulatory authority can impede cleanup progress. To resolve this, the DOE and EPA involve affected States in the IAG negotiation process.*



# Oversight Funding

**State and EPA region regulators are accountable for performing monitoring and oversight of DOE environmental activities, which:**

- **Is costly**
- **Would not always be possible without DOE funding support**



# Oversight Funding

*DOE may provide funding in conjunction with IAG to assist States with the resources necessary to monitor and ensure DOE compliance. The IAG also makes sure State employees have site access to perform monitoring and oversight functions.*



# Milestones

*Milestone commitments under the IAG are legally binding and failure to meet them can end in the regulators assessing stipulated penalties against the DOE.*



# Milestones

**When the DOE determines that a milestone may be missed, the DOE may request:**

- **An IAG extension or modification to avoid incurring stipulated penalties**
- **If regulators deny these requests, the DOE may then invoke the dispute resolution process**

# Meeting Milestones

**EM is trying to improve its ability to meet milestones by:**

- **Ensuring realistic goals are set**
- **Improving negotiation strategies and relationships with regulators**

