

EM at 30: How did I get here?



**Rocky Flats Plant
Has Gained a Year
To Find Waste Site**

Energy chief sees
need for nuclear
deterrent.

**The state wants
the Government
to clean up the
disposal site.**

Senate raises new
questions over
the safety of a
nuclear plant.

**Report Finds Perils at Atom Plant
Greater Than Energy Dept. Said**

Running Out of Space for Nuclear Waste

**3 States Ask Waste Cleanup
As Price of Atomic Operation**

Let's Hear the Rocky Flats Jurors

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THE NEW YORK TIMES, TUESDAY, OCTOBER 11, 1988

Energy Department Closes Nuclear Weapons Plant, Citing Safety Concerns

Idaho Shuts Border to Nuclear Waste From Colorado Weapons Plant

**Bomb Fuel Plant Reopening
To Be Delayed Till February**

States demand action!

From Crisis to Commitment: Environmental Cleanup and Compliance at Federal Facilities

National Governors' Association
National Association of Attorneys General

Report of the NGA-NAAG Task Force
on Federal Facilities



1990 NGA-NAAG Federal Facility Task Force recommendations

“Congress should enact uniform language in all federal environmental statutes clearly waiving federal sovereign immunity from the application of state environmental laws.”

One Hundred Second Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday, the third day of January,
one thousand nine hundred and ninety-two

An Act

To amend the Solid Waste Disposal Act to clarify provisions concerning the applica-
tion of certain requirements and sanctions to Federal facilities.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

TITLE I—FEDERAL FACILITY
COMPLIANCE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Facility Compliance
Act of 1992".

SEC. 102. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILI-
TIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal
Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management"
before "in the same manner";

(3) by inserting after the first sentence the following: "The
Federal, State, interstate, and local substantive and procedural
requirements referred to in this subsection include, but are
not limited to, all administrative orders and all civil and
administrative penalties and fines, regardless of whether such
penalties or fines are punitive or coercive in nature or are
imposed for isolated, intermittent, or continuing violations. The
United States hereby expressly waives any immunity otherwise
applicable to the United States with respect to any such sub-
stantive or procedural requirement (including, but not limited
to, any injunctive relief, administrative order or civil or
administrative penalty or fine referred to in the preceding
sentence, or reasonable service charge). The reasonable service
charges referred to in this subsection include, but are not
limited to, fees or charges assessed in connection with the
processing and issuance of permits, renewal of permits, amend-
ments to permits, review of plans, studies, and other documents,
and inspection and monitoring of facilities, as well as any
other nondiscriminatory charges that are assessed in connection
with a Federal, State, interstate, or local solid waste or hazard-
ous waste regulatory program."; and

(4) by inserting after the second sentence the following:
"No agent, employee, or officer of the United States shall be
personally liable for any civil penalty under any Federal, State,
interstate, or local solid or hazardous waste law with respect
to any act or omission within the scope of the official duties
of the agent, employee, or officer. An agent, employee, or officer
of the United States shall be subject to any criminal sanction

H. R. 2194—14

of Virginia, and the local jurisdictions in which the I-95 Sanitary
Landfill is located.

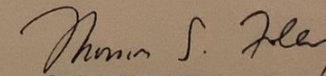
SEC. 204. DEFINITIONS.

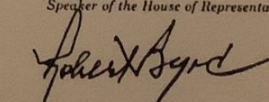
For purposes of this title:

(1) The term "expansion" includes any development or use,
after May 31, 1991, of any lands (other than those lands which
were used as a landfill on or before May 31, 1991) owned
by the Government of the United States in and around Lorton,
Virginia, for the purpose of, or use as, a sanitary landfill
in accordance with the July 1981 I-95 Sanitary Landfill Memo-
randum of Understanding. The term also includes variances
or exemptions from any elevation requirements relating to land-
fill operations established by the laws of the Commonwealth
of Virginia, or any subdivision thereof, in connection with any
such lands used on or before May 31, 1991.

(2) The term "lands owned by the Government of the United
States" includes any lands owned by the United States, and
any such lands with respect to which the Government of the
District of Columbia has beneficial ownership.

(3) The term "July 1981 I-95 Sanitary Landfill Memorandum
of Understanding" means the document titled "Memoran-
dum of Understanding I-95 Resource Recovery, Land
Reclamation, and Recreation Complex" that was executed July
22, 1981, and subsequently amended by supplemental agree-
ments executed before May 31, 1991.

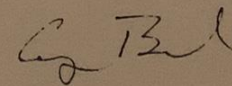

Speaker of the House of Representatives


President of the Senate

~~Vice President of the United States and~~
President of the Senate *per tempore*

APPROVED

OCT - 6 1992



Mixed waste treatment provisions

- In 1992, DOE was in widespread violation of RCRA's LDR storage prohibition
- FFCA passage = instant penalty liability
- Result: 42 USC sec. 6939c
 - Inventory of wastes
 - Inventory of treatment facilities
 - Treatment plans w/ state approval
 - Deferral of waiver of immunity for penalties
- Led to NGA FFCA task force

1990 NGA-NAAG Federal Facility Task Force recommendations

- “The President should request, and Congress should adopt a goal of not more than thirty years for completion of all environmental compliance and restoration at federal facilities. Where feasible at a particular site, cleanup should be accomplished in a much shorter period. Action plans and interim milestones should ensure continued progress toward the national goal.”

Let's see . . .

Looks like we have about 6
weeks left.