



**Department of Energy**  
Washington, DC 20585  
October 25, 2002

Ellen Manges  
One Cleanup Program  
Office of Solid Waste and Emergency Response (5101T)  
U.S. Environmental Protection Agency  
401 M St. SW  
Washington, DC 20460

Dear Ms. Manges:

The Department of Energy (DOE) welcomes the opportunity to work with the Environmental Protection Agency (EPA) on your "One Cleanup Program" (OCP) initiative and is pleased to submit the enclosed preliminary comments on the OCP Draft Action Plan. The enclosed comments represent the Department's initial, general thoughts on the OCP as described in both the Federal Facilities meeting and the Draft Action Plan. We anticipate providing more detailed comments on specific issues as the OCP is further developed. Should you have any questions regarding these comments, please contact Rich Dailey of my staff at [richard.dailey@eh.doe.gov](mailto:richard.dailey@eh.doe.gov) or 202-586-7117.

Sincerely,

A handwritten signature in cursive script that reads "Andy Lawrence".

Andy Lawrence  
Director  
Office of Environmental Policy and Guidance

Enclosure

**Department of Energy (DOE) Comments on the Environmental Protection Agency's  
"One Cleanup Program" (OCP) Draft Action Plan**

1. Several times the draft action plan calls for the identification of strengths and weaknesses in environmental cleanup, yet the document does not discuss EPA's own assessment of what those weaknesses might be. It would be very beneficial for all those participating in the cleanup of waste sites to hear EPA's assessment of those problems. DOE suggests that the next draft of the action plan contain a "problem statement" that will clearly convey those problems, and how EPA anticipates the OCP will help to alleviate them.
2. The OCP "message" needs to be incorporated into the actions of the various ongoing EPA programs. For example, the Office of Solid Waste has developed a RCRA corrective action environmental indicator (EI) program, and the Office of Emergency and Remedial Response (OERR) wants to adopt CERCLA response action EIs as well. OERR has developed its own guidance for CERCLA EI attainment and is in the process of developing its own EI training, both of which already exist for the RCRA program. DOE believes the two cleanup programs should have the same environmental indicators and that one guidance/training package should be used for evaluations in both programs.
3. DOE believes the OCP approach would be useful in the development, use and enforcement of institutional controls (IC); the liability associated with real property transfer; natural resource damage assessments (NRDA); and how to best assess and manage sites where contamination will be left in place at levels which preclude unrestricted use. These issues are common to all programs under which cleanup is being conducted, and early and direct recognition of them in the OCP will help to contribute to their systematic and consistent disposition.

For example, the OCP should clarify how NRDA can be best addressed in the cleanup process. DOE's policy is to integrate NRDA into the cleanup to ensure consideration is given to selecting response actions that minimize or mitigate adverse impacts to natural resources, and limit, where possible, the Department's NRDA liability. DOE believes that this is essential to a "one cleanup" program whereby future NRDA claims—and potential additional cleanup—are precluded by comprehensive actions taken as part of the CERCLA response process. However, some EPA regions have not accepted this approach and have removed references to potential NRDA liability from DOE response action documentation.

4. As part of the OCP, EPA should consider reviewing issues, requirements and implementation experience associated with programs and regulations developed by other Federal agencies and other EPA offices such as EPA's Uranium Mill Tailings Remedial Action Control Act (UMTRCA) regulations for cleanup and groundwater

protection and the Nuclear Regulatory Commission (NRC) 10 CFR Part 20 decontamination and decommissioning regulations. Although these have differing authorities from RCRA or CERCLA, their cleanup goals and the hazards they deal with are very similar. Considering these and other programs, and related interagency efforts to harmonize protection programs in Federal government, the OCP could help improve effectiveness and public trust of all Federal programs.

5. The initiative also needs to consider the issue of inter-generational equity, as has been addressed by the National Academy of Public Administration (NAPA). All waste management activities and brown field-type cleanups resulting in residual contamination have an inter-generational component. The NAPA report “Deciding for the Future: Balancing Risks, Costs, and Benefits Fairly Across Generations” (June 1997) provides a thoughtful process and sound set of principles that was based on an extensive study and can be the framework for a consistent Federal program that is protective, cost-effective and implementable.