



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

April 12, 2007

BY EMAIL

Simon Lipstein
United States Department of Energy
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Re: Engineering Evaluation/Cost Analysis for Building 4024 of the Energy
Technology Engineering Center at the Santa Susana Field Laboratory

Mr. Lipstein:

Pursuant to our conversation on April 10, 2007, the United States Environmental Protection Agency ("EPA") is providing additional comments on the United States Department of Energy's ("DOE") Engineering Evaluation/Cost Analysis ("EE/CA") for Building 4024, located at the Energy Technology Engineering Center at the Santa Susana Field Laboratory in Simi Valley, California (the "Site").

In particular, EPA requests that DOE review the Applicable or Relevant and Appropriate Requirements ("ARARs") section of the EE/CA (Appendix A) and make the following changes:

- In the text of the EE/CA (Section 3.2), DOE states that it will take appropriate stormwater pollution prevention measures during all earthwork activities at the Site. The Clean Water Act ("CWA"), 33 U.S.C. § 1251 et seq., and the stormwater regulations, however, are not listed as ARARs. EPA requests that DOE list the CWA and applicable stormwater regulations as action-specific ARARs.
- EPA requests that DOE identify the statutory or regulatory standard under which it is selecting the location and acceptance criteria for disposal of waste from the Site.
- DOE has used 49 U.S.C. § 1801 as the citation for the Hazardous Materials Transportation Act. EPA does not recognize the citation "49 U.S.C. § 1801." EPA requests that DOE confirm the citation. The Hazardous Materials Transportation Act is found at 49 U.S.C. § 5101, et seq.
- The National Historic Preservation Act ("NHPA"), 16 U.S.C § 470 et seq., requires that DOE consult with the California State Historic Preservation

Officer in the event that any proposed actions under the EE/CA have the potential to affect historic sites. EPA recommends that the NHPA be listed as a location-specific ARAR.

- DOE lists “40 CFR Part 260-26” as an applicable chemical-specific ARAR. EPA does not recognize the citation “Part 260-26.” EPA requests that DOE confirm and clarify the citation.

In light of the fact that DOE has chosen to identify ARARs in broad terms, EPA requests that DOE ensure that DOE employees and any DOE contractors responsible for cleanup activities at the Site are made aware of the specific statutory and regulatory sections under the identified ARARs that apply to the actions being undertaken.

We appreciate this opportunity to make additional comments on the EE/CA. If you have any questions or concerns, please feel free to contact me at (415) 972-3034.

Sincerely,

Michael Massey
Assistant Regional Counsel

cc:

Kathy Setian US EPA
Thomas Johnson US DOE