



1200 Trinity Drive, Ste 331, Los Alamos, NM 87544  
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May 16, 2011

Mr. Matthew C. Jones  
Senior Project Manager  
Environmental Council of the States  
50 F Street, NW, Suite 350  
Washington, D. C. 20001

Subject: Notes from the ECOS Federal Facilities Forum (FFF) and the ECOS-U.S. Department of Defense (DOD) Sustainability Work Group (SWG) from the ECOS Spring Meeting at the Hilton Alexandria Old Town Hotel in Alexandria, Virginia on March 28, 2011.

Dear Mr. Jones:

Pursuant to Task No. 3, Subtask 2, associated with ECOS Contract No. FFF-GEN-02, I am pleased to present you with notes from the ECOS FFF and the ECOS-DOD SWG meeting. Mr. Peter Maggiore provided his notes and edited the document.

**ECOS FFF and ECOS-DOD SWG met on Monday, March 28, 2011, from 4:30 p.m. to 6:00 p.m. in the Salon Rooms B&C.**

The following individuals participated in the meeting:

- |                         |                  |  |
|-------------------------|------------------|--|
| 1. Robert King          | South Carolina   | Chair, ECOS-DOD SWG, Dep Commiss, SCDHEC     |
| 2. Matthew Jones        | Washington, D.C. | ECOS Senior Project Manager                  |
| 3. Pete Maggiore        | New Mexico       | ECOS Consultant, Edgewater Technical Assoc.  |
| 4. Dennis Pepe          | New Mexico       | ECOS Consultant, Edgewater Technical Assoc.  |
| 5. Jennifer Roberts     | Alaska           | Environmental Manager, AKDEC                 |
| 6. Teresa Marks         | Arkansas         | Director, Arkansas DEQ                       |
| 7. Michael Gibbs        | California       | Deputy Secretary, Climate Change, CAEPA      |
| 8. Martha Rudolph       | Colorado         | Director of Environmental Programs, CODPHE   |
| 9. Chris Urbina, MD     | Colorado         | Executive Director & Chief Med Off, CODPHE   |
| 10. Gary Baughman       | Colorado         | Director, Hazmat/Waste Mgmt Div, CODPHE      |
| 11. Collin O'Mara       | Delaware         | Secretary, DNREC                             |
| 12. Lisa Bonnett        | Illinois         | Interim Director, ILEPA                      |
| 13. Clarence Smith      | Illinois         | Manager, Fed Site Remediation Section, ILEPA |
| 14. Roger Lande         | Iowa             | Director, IADNR                              |
| 15. Darryl Brown        | Maine            | Commissioner, MEDEP                          |
| 16. Leanne Tippet Mosby | Missouri         | Director, Division of Enviro Quality, MODNR  |
| 17. Jay Ringenberg      | Nebraska         | Deputy Director, Nebraska DEQ                |
| 18. Dave Martin         | New Mexico       | Secretary, NMED                              |
| 19. Tom Schneider       | Ohio             | Air Pollution Control Supervisor, OHEPA      |
| 20. Anibal Hernandez    | Puerto Rico      | PREQB  |



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21. Pedro Nieves	Puerto Rico	Chairman, PREQB
22. Robin Stephens	South Carolina	Asst. to the Deputy Commissioner, SCDHEC
23. Jim Joy	South Carolina	Assistant Deputy Commissioner, SCDHEC
24. Robert Martineau	Tennessee	Commissioner, TDEC
25. Elaine Boyd	Tennessee	Strategic Management Director, TDEC
26. Roger Petrie	Tennessee	Program Manager & DOE Oversight, TDEC
27. Amanda Smith	Utah	Executive Director, UTDEQ
28. Brad Johnson	Utah	Deputy Director, UTDEQ
29. Brent Everett	Utah	Director, DERR, UTDEQ
30. Renette Anderson	Utah	Director, Planning & Public Affairs, UTDEQ
31. Mike Murphy	Virginia	Director, Piedmont Regional Office, VADEQ
32. Ted Sturdevant	Washington	Director, WADOE
33. Ken Zarker	Washington	Pollution Prevention Manager, WADOE
34. Bill Levitan	Washington, D.C.	Drctr, Office of Enviro Complince, USDOE-EM
35. David Borak	Washington, D.C.	Intergovrnntal Relations Coord, USDOE-EM
36. Joyce Frank	Washington, D.C.	Principal Deputy Assoc. Administrator, USEPA
37. Reggie Cheatham	Telephone	Acting Director, FFRRO, USEPA
38. Hortensia Coffee	Washington, D.C.	USEPA
39. Jeff Kohn	Washington, D.C.	Innovat Coord/State Liaison, USEPA, OSWER
40. Tony Raia	Washington, D.C.	Program Analyst, USEPA
41. Michael Ochs	Massachusetts	Cmmnty Involvement Coord, USEPA, Region 1
42. Stan Meiberg	Georgia	Dpty Regional Administrator, USEPA, Region 4
43. Karl Brooks	Kansas	Regional Administrator, USEPA, Region 7
44. Alexis Strauss	California	Director, Water Division, USEPA, Region 9
45. Maureen Sullivan	Washington, D.C.	Director, Environmental Management, DOD
46. Tim Bridges	Washington, D.C.	Dpty Asst. Sec. Air, Env, Occ Health, DOD, AF
47. Michele Indermark	Washington, D.C.	DOD, Air Force
48. Lawrence Groner	Washington, D.C.	DOD, Air Force
49. Bob Boonstoppel	Maryland	Regional Counsel, DOD, Army
50. Dave Snodgrass	Kansas	Deputy Director, Cntrl Rgn Affairs, DOD, Army
51. Dorothy Robyn	Washington, D.C.	Dep Under Secy of Defense for I&E, DOD
52. Pat Tiur	Washington, D.C.	Regional Officer, DOD, Army
53. Stephen Cobb	Alabama	Alabama DEM/ ASTSWMO President
54. Mary Zdanowicz	Washington, D.C.	Executive Director, ASTSWMO
55. Charles Reyes	Washington, D.C.	Federal Facilities Staff Associate, ASTSWMO
56. Steve Wassersug	Virginia	Principal, Global Enviro & Tech Foundation
57. Judy Manley	Virginia	Senior Vice President, TechLaw, Inc.
58. Suzanne Yohannan	Virginia	Inside Washington Publishers
59. Lewis Shaw	South Carolina	ECOS Alumni, President, Shaw Consulting
60. Bill Ross	North Carolina	ECOS Alumni, Duke University
61. Betsy Child	Tennessee	ECOS Alumni, Bus Development, Avisco, Inc.



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Before the meeting started Mr. Jones requested Mr. Maggiore to create a list of participants for the meeting. Mr. Dennis Pepe was tasked to place a two-page agenda at each table place setting and distribute the agenda to those in the seating area.

Mr. Jones requested Mr. Maggiore distribute the following documents:

1. Draft Agenda, Closed Session, ECOS Visit to Dept. of Energy Headquarters, March 30, 2011
2. ECOS Resolution 10-3: Cleanup Budgets for the Nuclear Weapons Complex, March 24, 2010:  
[http://ecos.org/files/4028\\_file\\_Resolution\\_10\\_3.doc](http://ecos.org/files/4028_file_Resolution_10_3.doc)
3. ECOS letter from R. Steven Brown to Dr. Inés Triay, DOE-EM, April 13, 2010:  
[http://ecos.org/files/4077\\_file\\_triay\\_letter\\_on\\_EM\\_budget.pdf](http://ecos.org/files/4077_file_triay_letter_on_EM_budget.pdf)
4. DOE-EM letter from Dr. Inés Triay to R. Steven Brown, ECOS, April 26, 2010:  
[http://ecos.org/files/4076\\_file\\_Triay\\_Letter\\_re\\_ECOS\\_Resolution.pdf](http://ecos.org/files/4076_file_Triay_Letter_re_ECOS_Resolution.pdf)

The meeting began at 4:40 p.m. Mr. Robert W. King, Jr. Chairman of the ECOS-DOD SWG opened the session. Mr. King is the Deputy Commissioner for South Carolina Department of Health and Environmental Protection. He expressed the regrets of Ms. Colleen Cripps, Administrator for the Nevada Division of Environmental Protection and Chair for ECOS FFF who could not participate in the meeting because of urgent meetings with the Nevada state legislature.

Mr. Jones presented the four distributed documents and passed to the group display copies of the Green Reports listed below, mentioning that copies would be available on the documents table across from the registration desk:

- ECOS Green Report: An Examination of the Use of Engineered Cells for Onsite Disposal of Radioactive Waste, January 2009:  
[http://www.ecos.org/files/3426\\_file\\_January\\_2009\\_Green\\_Report.pdf](http://www.ecos.org/files/3426_file_January_2009_Green_Report.pdf)
- ECOS Green Report: State Experiences with Natural Resource Damage Assessment at Nuclear Weapons Complex Sites, September 2010:  
[http://www.ecos.org/files/4186\\_file\\_September\\_2010\\_Green\\_Report.doc](http://www.ecos.org/files/4186_file_September_2010_Green_Report.doc)

Mr. King introduced Mr. Roger Petrie from the Tennessee Department of Environment and Conservation who provided a presentation about the Interstate Technology and Regulatory Council (ITRC). Mr. Petrie presented a slideshow and explained the challenges of the federal facilities owned by DOE and DOD, and how the ITRC is helping (see copy of slideshow on the ECOS website here):

[http://www.ecos.org/files/4456\\_file\\_Roger\\_Petrie\\_Slideshow\\_on\\_ITRC.pdf](http://www.ecos.org/files/4456_file_Roger_Petrie_Slideshow_on_ITRC.pdf)

In some cases federal agencies are the primary responsible party but the agencies do not always proceed with cleanup operations the way states want them to. However, anything the states can do to shorten the environmental cleanup time for federal facilities will help.

Mr. Petrie reported that ITRC shares lessons learned to leverage environmental cleanups. The procedure involves forming a team, developing a solution, delivering training and then implementing the solution. He stated that in 1995, ITRC produced more than 100 documents and over 50 training courses, and since 1997,



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trained over 71,000 people. As a result, ITRC improves the solution time and lowers environmental costs. It is critical to organize the agencies at the beginning to streamline the proposed outcome and solution.

Mr. Petrie presented the East Tennessee Technology Park (ETTP) in Oak Ridge as an example of successful ITRC solutions when three regulatory agencies work together. They saved resources for decontamination and decommissioning (D&D) of buildings years faster than anticipated. He reported that the K25 buildings comprise 40 acres, the K33 buildings comprise 34 acres, and the remaining ETTP areas include 50 acres. He mentioned that in 1958, when K25, Portsmouth, Paducah and the Oak Ridge National Lab (ORNL) were operating they consumed one-third of the electricity generated in the United States. In 1964, K24 closed. K25 is a half mile in length; the west wing has been demolished and the east wing remains. It continues to contain several hundred kg of enriched uranium. The K29 building had its interior removed in one year. Mr. Petrie emphasized that ITRC solutions enable agencies to better work together, such as cooperation between DOE, USEPA, and the state.

Darryl Brown (ME) asked about the power production in 1958, and Mr. Petrie responded that power was created by 20-30 transformers outside the buildings, each about one half the size of the large meeting room. He added that the transformers were covered with a large amount of asbestos making the cleanup a very slow process.

At 5:00 p.m., Mr. King introduced Mr. Reggie Cheatham, Acting Director of the Federal Facilities Restoration and Reuse Office (FFRRO), USEPA in Washington, D.C. Mr. Cheatham addressed the group via speakerphone from the USEPA Region 4 Office in Atlanta, Georgia. Mr. Cheatham is responsible for cleanup policy development and implementation for over 1,000 contaminated federal facilities that include munitions, radionuclides and hazardous waste. The facilities include military installations, abandoned mines, formerly used defense sites (FUDS), and 173 are on the Superfund's National Priorities List (NPL). The NPL sites require community involvement and an agreement with the USEPA to meet CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) and National Contingency Plan requirements. The FFRRO seeks to reuse the federal facility and make it valuable to the community again.

Mr. Cheatham reported that in FY2011, FFRRO focused on base closure and realignment (BRAC) activity with the goal of creating a uniform policy. USEPA and DOD signed a MOU for BRAC activities from 2012 to 2016. It is an integrated cleanup initiative to achieve efficiency under one cleanup agreement, align target sites and examine a pilot program to develop a uniform policy for a quality assurance project plan. He mentioned that USEPA conducts a federal facilities dialogue to expand community relationships with DOD, DOE, states, tribes and interested stakeholders. The themes are long term stewardship, often with a remedy in place, a site specific advisory board (SSAB) and a restoration advisory board. Mr. Cheatham mentioned that he is looking forward to finalizing a munitions report and an emergency response paper. He is considering creating a munitions working group next year.

Ms. Jennifer Roberts (AK) asked about the USEPA plan for land management agencies, and Mr. Cheatham commented that his office only met with the U.S. Department of Agriculture so far and they are planning on



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meeting with DOI (U.S. Department of the Interior). He added that there is a level of maturity with DOD and DOE, because they have a different starting point.

At 5:07 p.m., Ms. Maureen Sullivan, Director, Environmental Management, Office of the Deputy Under-Secretary of Defense for Installations and Environment, DOD began her Update on DOD Environmental Plans and Programming slide presentation (see copy of slideshow on ECOS website here):

[http://www.ecos.org/files/4457\\_file\\_DoD\\_Presentation\\_at\\_ECOS\\_Spring\\_Mtg\\_March\\_2011\\_Final.pdf](http://www.ecos.org/files/4457_file_DoD_Presentation_at_ECOS_Spring_Mtg_March_2011_Final.pdf)

Ms. Sullivan thanked Ms. Martha Rudolph (CO) and Ms. Jennifer Roberts (AK) for their assistance with helping to plan the Formerly Used Defense Sites (FUDS) Forum in Chicago on May 24-26, 2011.

Ms. Sullivan reported that her budgets continue to remain stable and her office is committed to partnerships with states that involve:

- State-Led Munitions Response Forum that has produced four white papers
- FUDS Forum that focuses on Potentially Responsible Parties (PRPs), risk management, and technical support
- Defense-State Memorandum of Agreement (DSMOA) Steering Committee that provides a dispute resolution process and eligibility criteria for what state oversight activities DOD will reimburse. Forty-three (43) MOA amendments have been processed, including National Guard sites.

Ms. Sullivan mentioned there is progress at active installations and they have achieved many cleanup goals. It is a great success story that 79% (14,220) of 18,000 sites are remedy completed. However, the munitions program is slightly behind because it started later.

Ms. Sullivan stated there has been much FUDS progress in FY10. Legacy BRAC cleanup funding has been fairly stable with a funding bump in FY10 driven by the Air Force in Galena, AK and the Army adding items on active bases. She reported that Congress traditionally adds funds for this.

A handout regarding the upcoming FUDS Forum meeting was distributed (see copy here on ECOS website): [http://www.ecos.org/files/4455\\_file\\_Handout\\_on\\_FUDS\\_Forum.pdf](http://www.ecos.org/files/4455_file_Handout_on_FUDS_Forum.pdf)

Ms. Sullivan reported the Defense Science Board supports the liability for unexploded ordnance (UXO) on active and closed installations at a cost of \$17B. Most of the funds are for the removal of scrap metal. She mentioned that typically an initial determination needs to be made to define how much of the metal is UXO, and how much is non-explosive litter. Less than 4% of the “digs” encounter UXO. An example is Camp Butler in North Carolina where 7 items were found out of more than 100,000 digs. DOD has been developing a new technology to discriminate between UXO and non-UXO and is investing significant funds for this research. DOD wants state technical staff focused on UXO discrimination, and higher level policy leaders to be comfortable with new technology methods. Also, DOD has reached out to the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and is now reaching out to ECOS for support.



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Ms. Sullivan stated that the goals are: accelerate the UXO cleanups, reduce risks and reduce costs. The main objective is to think strategically about technology and she needs technical staff and policy-makers from states to get involved.

Ms. Sullivan wants states to participate in DOD activities because it will result in the properties being turned over more quickly to the states. She proposes the following activities from the states:

- participation as site team members from technical staff and policy-makers;
- host training operations;
- assist in the implementation of demonstrated technology at sites;
- nominate demonstration sites; and
- engage other states.

Ms. Sullivan reported on what is next for cleanup activities. At the end of FY14, as part of the five-year DOD budget cycle, they will focus on the following cleanup phases:

- achieving response complete;
- what are the LM (legacy management) regulations; and
- what is the site close out and how to get there.

Ms. Sullivan presented her next generation of metrics:

- drive program planning, budgeting and execution; and
- help DOD components defend their budgets.

In conclusion, Ms. Sullivan stated that she wants remedies in place or response complete by 2014. She needed new goals for planning purposes and asked the states to contribute. Ms. Sullivan reminded the group that DOD and the states are partners in the cleanup.

At 5:24 p.m., Mr. Tim Bridges, Deputy Assistant Secretary for the Environment, Safety, and Occupational Health, Air Force provided an Update on DOD Environmental Plans and Programming. Mr. Bridges expressed his appreciation for being at the ECOS meeting. He stated that he is still learning his job and appreciates the feedback from the states. His purpose for being at the meeting is to get a sense of the challenges the states encounter and discuss environmental program priorities. There is a need to stretch dollars during these tough economic times where we are often required to do more with less. Mr. Bridges mentioned that challenges often create opportunities and he wanted to find ways to collaborate with the states and perhaps shift the paradigm to change the mind set.

Mr. Bridges reported that the Air Force Restoration Program has made great strides since the 1980s. His supervisor has signed a new policy to refocus and reset the milestones. The previous focus was on remedies in place and was not comprehensive and left other items to be accomplished. However, the new focus is on site completion to protect health and the environment that includes fence to fence site cleanup by 2015 with decisions based on life cycle baseline costs using a business case approach. 95% of the BRAC sites and 75% of active installations will be addressed.



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Mr. Bridges mentioned that the Air Force wants industry to help provide solutions using performance based cleanups with fixed price plus incentive contracts. The incentive is having the contractors work with the regulators. The Air Force wants to get to unrestricted use and out of long term commitments. He reported that project managers need to be educated to take charge of the contracts and if the cleanup does not meet the requirements, the contractor does not get paid. It is about site cleanup completion and away from long term stewardship. Mr. Bridges mentioned that the cleanup effort needs the state's help.

Mr. Bridges reported that the Air Force is rebasing and streamlining its activities regarding the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) policy. By establishing a center for engineering excellence the timeline for an environmental impact statement (EIS) is twelve months and for an environmental assessment (EA), it is six months.

Mr. Bridges mentioned that pollution prevention (P2), involving recycling and waste management is very important to the Air Force and they want to reduce waste. They have established an Air Force Health Council to focus on P2 efficiency and creating a greener organization.

Ms. Roberts (AK) asked if states would be funded to review the EAs and EISs, and Mr. Bridges responded that more decisions have to be made about the state's support and DOD is open to innovative approaches.

Mr. O'Mara (DE) asked about energy programs, and Mr. Bridges replied that the Air Force has an energy office that provides guidance about energy and security concerns. There are many prototype opportunities to use alternative energy so long as we remain focused on the security of assured power. Ms. Sullivan (DOD) added that DOD has a high priority for both renewable energy and energy efficiency. DOD has 350,000 buildings and is always looking for opportunities to explore new technologies with energy technology companies that can demonstrate commercial applications. Mr. Bridges added that DOD is looking for partnership opportunities.

Mr. Cobb (AL) commented that more advanced notice of the date, time and location of DOD meetings and the nature of the UXO meetings would be appreciated.

At 5:42 p.m., Mr. William Levitan, Director, Office of Compliance, U.S. Department of Energy Office of Environmental Management (DOE-EM) began his Update on DOE-EM Plans and Programming with a slide presentation (see copy of slideshow on ECOS website here):

[http://www.ecos.org/files/4458\\_file\\_Levitan\\_ECOS\\_Presentation\\_2011.pptx](http://www.ecos.org/files/4458_file_Levitan_ECOS_Presentation_2011.pptx)

Mr. Levitan asked how many states had DOE facilities and many attendees raised their hands. Mr. Levitan reported that in 1989 when the Berlin Wall came down, 110 DOE sites were in 35 states. In 2010, there were 18 sites in 11 states and the DOE-EM Approach to Excellence Vision for 2020 is to make significant strides cleaning up the Hanford (WA) site and also reduce the number of states with active cleanup sites to eight (8).

Mr. Levitan reported that High-Level Waste (HLW) is the most significant issue and the cleanup of radioactive waste is the third largest liability for the United States with a \$250B lifecycle cleanup costs.



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DOE is focused on turning liabilities into assets. One half of the budget is dedicated to cleanup costs with the sites driven by RCRA. The Hanford (WA) and Savannah River (SC) sites have the highest costs with the disposition of tank wastes as a high priority. The major risks involved are to ensure safe, secure and compliant cleanup of tank wastes, spent nuclear fuel, Transuranic (Tru) waste, Low-Level Waste (LLW) and Mixed Low-Level Waste (MLLW). The focus is on soil and groundwater remediation and D&D.

Mr. Levitan mentioned that DOE's 2012 budget request seeks to continue the momentum started with the \$6B in ARRA funding. DOE requested \$6B for FY2012 to meet EM compliance commitment milestones. Mr. Levitan reported that in FY2010 they met 95% of their 141 agreement milestones, in FY2011 there were 160 enforceable milestones due with 40 agreements in place, and DOE expects to meet 100% of its enforceable agreement milestones in FY2012 if the requested budget is fully appropriated by Congress.

Mr. Levitan reported that DOE has expended \$4B of the \$6B of ARRA funds and they are scheduled to spend the remaining funds on time. The tank wastes funding is dedicated to three sites:

- Sodium Bearing Waste Facility, Idaho (\$0.5B)
- Salt Waste Processing Facility, South Carolina (>\$1.0B)
- Waste Treatment Plant, Washington (>\$1.2B)

DOE expects to reduce the lifecycle costs through technology, such as robotic technology to clean the sides of the tanks. He stated the environmental liability is approximately \$260B and \$91B has been spent. 45% of the funds were used for tank wastes. DOE is on the U.S. Government Accountability Office's (GAO's) high risk project management list. Mr. Levitan reported that the GAO Report Card has confirmed three of five areas involving contract management where DOE has made progress improving its performance. Although there was a \$7B reduction in lifecycle costs due to ARRA, DOE wants to accelerate the tank waste schedule.

Mr. Levitan mentioned the continued DOE effort to reduce the EM footprint transferred 90% of Tru waste to the Waste Isolation Pilot Project (WIPP) in New Mexico. 9,000 shipments with nearly 11 million loaded miles traveled have been accomplished. The Hanford (WA) site footprint will be reduced from 585 to 10 square miles, and the Savannah River site (SC) will be reduced from 310 to 16 square miles. ARRA supported the footprint reduction, created jobs and accelerated 46 milestones.

Mr. Levitan showed images of the cleanup accomplishments at Hanford (WA), Savannah River (SC), Idaho National Laboratory (ID), Oak Ridge (TN), and Portsmouth (OH). Mr. Levitan reported that DOE's draft NRDA (natural resource damage assessment) policy was being reviewed and it is an attempt to create a strategy to integrate DOE's cooperation with related cleanup concerns. He mentioned the mercury management and storage site would be selected in August. DOE-EM would work with the selected state for a permit.

Mr. Smith (IL) asked about WIPP (NM) waste, and Mr. Levitan replied that only Tru wastes are currently being accepted by WIPP.



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Mr. Schneider (OH) asked about DOE's metal recycling moratorium and Mr. Levitan replied that DOE has to be careful with how it manages scrap metal. The historic concern was that, if left unregulated radiation-contaminated metal could be recycled for use in dental braces which might pose a hazard. They are looking at the controlled release of metals for equipment that was in radiation controlled spaces. Soon, DOE is expected to release a policy for recycling old office equipment that was near radiation, but was not contaminated with radiation.

The meeting ended at 6:10 p.m.

In closing, I would like to thank you for the opportunity to provide DOE-liaison services to ECOS and ECOS members. Please contact me at 505-577-5755, or Pete Maggiore at 505-577-5118, if you have any questions or require additional information contained in this letter report.

Best regards,

Dennis Pepe  
Senior Environmental Consultant  
Edgewater Technical Associates

cc: Peter Maggiore, Director Environmental Programs, Edgewater Technical Associates