

Regulatory Requirements

safety ❖ performance ❖ cleanup ❖ closure



Activities relating to an ongoing Environmental Management campaign at the Nevada National Security Site (formerly the Nevada Test Site) are subject to a number of federal and state regulations. These requirements govern environmental cleanup, emergency response, waste disposal, and other operations.



State requirements are in place to address the environmental, economic, and safety concerns of Nevadans; while federal laws ensure sites throughout the U.S. Department of Energy Complex (DOE) are pursuing responsible and practical measures to reduce environmental liabilities on federally-controlled land. These state and federal regulations work together to reduce risk to workers and the public while protecting the environment.

Federal Facility Agreement and Consent Order

In 1996, the State of Nevada Division of Environmental Protection (NDEP) negotiated an agreement with the DOE's National Nuclear Security Administration Nevada Field Office called the *Federal Facility Agreement and Consent Order*, or *FFACO*. The agreement established a strategy for managing sites and facilities

The State of Nevada Division of Environmental Protection maintains regulatory responsibility over Environmental Management activities at the Nevada National Security Site.



on the Nevada National Security Site and parts of the Nevada Test and Training Range (which includes the Tonopah Test Range) that were affected by years of nuclear research, production, and testing. Under the agreement, the Environmental Management program must:

- Identify and group sites according to the nature of the contamination;
- Investigate cleanup alternatives;
- Establish specific sampling and monitoring requirements;
- Ensure coordination and communication among participants (includes federal, contractor, and State representatives); and,
- Develop cost-effective approaches to site management.

Agreement in Principle

Under an *Agreement in Principle*, the DOE has agreed to provide financial support to the State of Nevada for enhanced environmental and health oversight, as well as associated monitoring activities. The Agreement also spells out the Nevada Field Office's commitment to assist in emergency management initiatives to protect the health and safety of citizens throughout Nevada.

Although the State of Nevada does not have regulatory authority over radioactive waste, the Nevada Field Office and the State of Nevada entered into a *Joint Low-Level Waste Oversight Agreement* (attachment to the *Agreement in Principle*), which increases NDEP's involvement in activities

Definitions

Hazardous Waste: Solid waste, or a combination thereof, containing constituents that are toxic, corrosive, reactive, ignitable, or specifically identified by the U.S. Environmental Protection Agency as "hazardous."

Low-Level Waste: Radioactive waste that cannot be characterized as high-level, transuranic, spent nuclear fuel, or by-product materials.

Mixed Radioactive Waste: Waste that contains both hazardous and radioactive constituents.

Radioactive Waste: Materials with no future use that have been contaminated by a nuclear process, thereby containing unstable elements (such as hydrogen, plutonium, or uranium) which emit radiation.

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associated with low-level radioactive waste disposal at the Nevada National Security Site. By entering into

The *Atomic Energy Act*, first passed in 1946, is the basis for all regulations governing the use of nuclear material in the United States. This includes authority over the disposal of radioactive waste.

the Agreement, the Nevada Site Office and the State agree to share all pertinent information concerning waste types and quantities. In addition, the Agreement authorizes the State to conduct prompt reviews of documents and site management procedures.

National Environmental Policy Act

The *National Environmental Policy Act (NEPA)* requires federal government agencies to evaluate the environmental consequences of past, present, and future activities at their respective sites and pursue actions that lessen or reverse these consequences. As part of the NEPA process these agencies must prepare an *Environmental Assessment*, or the more comprehensive *Environmental Impact Statement (EIS)*.

In accordance with NEPA, the Nevada Field Office published an *EIS for the Nevada Test Site and Other Off-Site Locations* in 1996. This document established a baseline analysis of how site activities affect land use, geology, air quality, groundwater, biological and cultural resources, and public health and safety. The Nevada Site Office is

currently drafting a new EIS, which will provide updates in all of these areas. The EIS process involves several formal steps, including a draft period, a public comment period, and a decision period prior to publishing the final document and record of decision.

Resource Conservation and Recovery Act

The *Resource Conservation and Recovery Act (RCRA)* authorizes the U.S. Environmental Protection Agency to regulate the management of hazardous wastes, which includes waste generation, transportation, treatment, storage, and disposal. To ensure waste management activities at the Nevada National Security Site are *RCRA*-compliant, the U.S. Environmental Protection Agency has delegated its authority to NDEP.

The Nevada Field Office operates under *RCRA* permits for the storage and disposal of hazardous and mixed hazardous materials at the Nevada National Security Site. Much of this material is waste generated as part of ongoing cleanup activities at the Nevada National Security Site and throughout the rest of the DOE Complex.

Information on environmental laws can be found on the U.S. Environmental Protection Agency web site:
www.epa.gov/lawsregs/

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