

memorandum

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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To ASTRID LARSEN	From John Basciello
Dept./Agency RL	Phone # 202 586 7917
Fax # 509 376 1466	Fax # - 3915
NSN 7540-01-317-7368	5099-101 GENERAL SERVICES ADMINISTRATION

DATE: August 2, 1994

REPLY TO
ATTN OF: EM-20 (M. Crosland, 586-5793)

SUBJECT: Funding for Natural Resource Trustee Activities

TO: Manager, Oak Ridge Operations Office

In late 1993, your office requested guidance on the extent to which the Department of Energy (DOE) could provide funding to the States of Tennessee and Kentucky for Natural Resource Damage Assessment (NRDA) activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This office discussed your request with the Office of General Counsel and the Office of Environment, Safety and Health, and, as a result of those discussions, has obtained approval to provide funding to these States for certain NRDA activities once a Memorandum of Understanding outlining roles and responsibilities has been signed by the affected State and the DOE.

State activities that can be funded now include those connected with the Department's remedial action that are not inconsistent with the National Contingency Plan. These costs might include: (1) participation in Trustee Council meetings, and (2) working with the Department of Energy to plan and conduct integrated environmental restoration actions and NRDA activities at the Department's sites within each State's jurisdiction. Funding for additional NRDA activities proposed by the States should be considered and approved by your office on a case-by-case basis after coordination with my office. These activities should be consistent with the State's role as trustee as specified in 40 CFR Part 300, Subpart G.

Funding of the activities outlined above should be made available to the States under grants developed to support the implementation of Federal Facility Agreements established under CERCLA. The State of Tennessee already has such an agreement and grant. Since Kentucky, the Department of Energy, and the U.S. Environmental Protection Agency are currently negotiating a CERCLA agreement for the Paducah site, funding for Kentucky's NRDA activities should be provided through a grant issued after the agreement and NRDA Memorandum of Understanding are executed by all parties. Finally, it should be noted that the funding provided to the States by your office during FY 1994 must be accomplished using existing funds allocated to the Oak Ridge Operations Office. Since funding has not been allocated for these activities in the FY 1994 and FY 1995 budgets, please coordinate any reallocation of funds with the Office of Environmental Restoration (Office of Eastern Area Programs) before making any funding commitments. Funding estimates for future fiscal years should be consistent with reasonable planning targets issued by this office.

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Please feel free to call Martha Crosland at (202) 586-5793 if you need further assistance or have any questions on State funding for NRDA activities.

Richard J. Grumby
Thomas P. Grumby
Assistant Secretary for Environmental
Restoration and Waste Management

cc:

W. Dennison, GC-11
R. Pelletier, EH-23
Managers, DOE Operations Offices
Manager, Rocky Flats Office
Manager, Ohio Area Office
