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United States Government | Department of Energy

memorandum

DATE: October 15, 1992

REPLY TO ATTN OF: EH-25

SUBJECT: Integrating Pollution Prevention with NEPA Planning Activities

TO: NEPA Compliance Officers

The purpose of this memorandum is to advise you of the direction that the Environmental Protection Agency (EPA) and Council on Environmental Quality (CEQ) appear to be taking regarding pollution prevention and NEPA, and to encourage you to use the NEPA process to incorporate pollution prevention principles into the DOE planning and decisionmaking process.

The Pollution Prevention Act of 1990 affirms Congressional commitment to a new approach in improving environmental quality. The Act establishes as national policy the following hierarchy of actions for environmental protection:

1. prevent or reduce pollution at the source wherever feasible;

2. recycle in an environmentally safe manner the pollution that cannot be prevented;

3. treat in an environmentally safe manner the pollution that cannot be prevented or recycled; and

4. dispose of pollution only as a last resort.

On February 26, 1991, EPA issued a National Pollution Prevention Strategy (which outlined a national policy and provided guidance on integrating pollution prevention into all ongoing environmental protection efforts (56 FR 7849-64). EPA's goal, as stated in its draft Federal Sector Pollution Prevention Strategy (August, 1991), is "to establish the Federal government as the national leader in implementing pollution prevention policies and practices across all missions, activities, and functions in order to promote the sustainable use of natural resources and protect human health and the environment."

EPA has indicated an intent to consider pollution prevention in its review of NEPA documents. In its scoping comments on DOE's Programmatic Environmental Impact Statement (PEIS) on Reconfiguration of the Nuclear Weapons Complex, EPA commented that DOE should describe pollution prevention and waste

minimization policies and practices throughout the PEIS. More recently, in the 1992 LLNL Continuing Operations Draft EIS, EPA expressed environmental concerns (rating the document EC-1) partially because the document failed to consider a full range of pollution prevention measures in the analysis.

The idea of pollution prevention within the framework of NEPA is not new. The very purpose of NEPA is "to promote efforts which will prevent or eliminate damage to the environment." Further,the CEQ regulations direct all Federal agencies to "...**use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects** of these actions on the quality of the human environment; and use all practicable means...to restore and enhance the quality of the human environment and **avoid or minimize any possible adverse effects of their actions** upon the quality of the human environment (40 CFR 1500.2(e) & (f) emphasis added)."

DOE's Waste Reduction Policy Statement, issued June 27, 1990, uses the same environmental hierarchy in guidance provided for waste minimization at DOE operating facilities. In that statement, EH-1, EM-1, and S-3 directed that "waste reduction will be a prime consideration in research activities, process design, facility upgrade or modernization, new facility design, facility operations, and facility decontamination and decommissioning."

DOE's Policy on Waste Minimization and Pollution Prevention (August 20, 1992) uses a similar approach, and expresses a commitment to "the inclusion of cost-effective waste minimization and pollution prevention in all of its activities, **including consideration of these concepts and approaches in DOE's program planning and major assessment processes, where appropriate, such as NEPA**, multi-year planning, and Complex Configuration Studies" (emphasis added).

We understand that EPA and CEQ are preparing guidance on incorporating pollution prevention principles in the NEPA process. Until such guidance is issued and in keeping with the foregoing discussion, program offices should consider pollution prevention options as potential alternatives or mitigating measures in NEPA documents. Consideration should be given to the many significant opportunities for DOE to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw material use.

If there are questions regarding this information, please call me at (202) 586-4600.

Carol Borgstrom

Carol M. Borgstrom
Director
Office of NEPA Oversight