



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Memorandum

DATE: July 27, 1992

SUBJECT: Support of the Superfund Listing of the Rinchem Facility, Region 6, Rather Than Using RCRA Corrective Action Authorities

FROM: *Janet Grubbs*
Janet Grubbs, Acting Branch Chief, Site Assessment Branch

TO: The Record

This memorandum is to provide for the record the rationale of the Environmental Protection Agency (EPA) in pursuing listing of the former Rinchem facility on the National Priorities List (NPL). The former Rinchem Co., Inc. occupies a 1/2 acre site at 5001 Edith Boulevard, NE in Albuquerque, New Mexico. Rinchem operated as a distributor of industrial solvents and resins, and as a transporter, treater, storer and disposer of industrial wastes from 1979 to 1983. The Rinchem Co. moved operations to another location in 1983. The property currently is occupied by Janco Sheet Metal Co., and reportedly no hazardous materials are associated with Janco operations.

Superfund site assessment staff have consulted with EPA staff responsible for administering the Resource Conservation and Recovery Act (RCRA). (A chronology of site activities is attached.) The information provided by the RCRA program shows clearly that the most expedient way of addressing the environmental threats posed by the facility is to place it on the NPL. The only enforcement option available to RCRA would be a 3013, which orders the owner/operator to conduct onsite monitoring and sampling, but does not include any corrective action.

As a matter of policy, EPA generally has chosen to place sites on the NPL in cases where it appears likely that corrective action will not be performed under RCRA Subtitle C (e.g., bankrupt, unwilling, non-or late-filers, or converters). In addition, EPA may decide on a case-by-case basis to use Superfund authorities where RCRA authorities do not exist or are not far-reaching enough (as in the case of extensive off-site contamination), or would needlessly delay cleanup, as is likely

in this instance since the current owners do not want to address the Rinchem-generated waste.

Thus, corrective action is not imminent because Rinchem is no longer the owner/operator of the facility. The 3008(h) corrective action authorities to address the releases would have to apply to the current owners of the facility, since 3008(h) cannot be used to compel former owners/operators to address past releases, and the current owners have no RCRA Subtitle C status. Moreover, Rinchem lost its interim status in 1983, making it even less likely that RCRA corrective action can be used to effect cleanup.

Attachments (2)