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TO: The Files
FROM: Stephanie Kruse
SUBJECT: Appendix VIII or IX?
DATE: April 18, 1994

APPENDIX VIII OR IX?

Holloman AFB has asked NMED to rule on whether S&A for Appendix VIII constituents is necessary for closure or whether the base can continue to use Appendix IX. Holloman has been sampling, using Appendix IX, under an NMED-approved sampling plan since at least since 1992, and would like to continue to do so.

The same situation exists regarding closure of the two LANL TA-53 sewage lagoons.

Holloman's use of the Appendix IX list is all right with Technical Compliance staff. So the question comes down to: Is there a regulatory or other problem with using Appendix IX instead of Appendix VIII for closure?

1. **Definitions.** Appendix VIII to 40 CFR 261 is a list of hazardous constituents. Appendix VIII is one of the criteria for listing a solid waste as a hazardous waste (40 CFR 261.11(a)(3)).

Appendix IX to 40 CFR 264 is the groundwater monitoring list.

3. **Regulatory requirements.** For closure, there is no specific regulatory sampling requirement to use either Appendix VIII or Appendix IX constituents.

References to these two lists seem to be applicable to permits. For example, 40 CFR 264.93 (Hazardous constituents) states that the Regional Administrator will specify in the facility permit the hazardous constituents, as identified in Appendix VIII, to which the groundwater protection standard of Section 264.92 applies. An Appendix VIII constituent is excluded from the list of hazardous constituents if the R.A. finds that the constituent is not capable of posing a substantial threat to human health or the environment. Similarly, 40 CFR 270.14(c)(4)(ii) (Contents of Part B permit application) requires the identification of maximum concentrations for all Part IX constituents in any plume of

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contamination that has entered groundwater from a regulated unit.

4. Other considerations. a) Marc raises a question as to whether Appendix IX is appropriate to use if the facility is sampling both water and sludge, since this appendix is only concerned with groundwater and doesn't suggest sampling methods for sludge. I don't see what the point is here, since Appendix VIII doesn't suggest methods for either.
- b) There are no sampling methods for several (many?) of the constituents in Appendix VIII.
- c) Steve A. suggests one possibility is to ask the facility to identify hazardous constituents that are contained in Appendix VIII and not in Appendix IX and justify their exclusion from the sampling plan. This may be more appropriate for LANL than for Holloman.