



Department of Energy
Albuquerque Operations
Los Alamos Area Office
Los Alamos, New Mexico 87544

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HAZARDOUS WASTE MGMT. DIV.

JUN 11 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Allyn M. Davis, Director
Hazardous Waste Management Division
U. S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Mr. Davis:

As you know, the Environmental Restoration (ER) Program at the Los Alamos National Laboratory (LANL) is currently conducting several "Institutional Interim Actions" (interim actions driven by institutional need as opposed to health risk). These projects often involve the partial or total removal of wastes from a Solid Waste Management Unit (SWMU) identified in LANL's Hazardous Solid Waste Amendments permit to make room for planned construction projects. When a construction project involves the installation of a permanent facility in a SWMU's present location, our office has been requiring the removal of hazardous wastes to background levels in order to prevent disturbing the new facility in the future for the sake of proving that the residual contamination does not pose a health threat.

However, in cases where a permanent structure is not planned, we would like to establish a policy that wastes can remain in place at the SWMU with the understanding that the site would be revisited later during the site characterization phase of our program. For example, if a new underground pipe has to be installed through an existing SWMU, we would like to direct the construction manager not to add SWMU clean up to their scope of work. Since such a project would not include putting a permanent structure such as a building on top of the site, the ER Program would be able to sample it at a later time to define the extent of contamination and suggest clean up alternatives that may be more cost effective than complete removal.

In fact, for those institutional interim actions where we desire to leave the SWMU in place for future characterization, it would be our policy that soil and waste dug up or disturbed within the boundaries of the SWMU, or within its known area of contamination (AOC), would be maintained at the AOC and put back in place or relocated within the SWMU without violating the Land Disposal Restrictions (LDRs) of Resource Conservation Recovery Act (RCRA). Again, these SWMUs would have to be revisited during the site characterization phase of our program.

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General



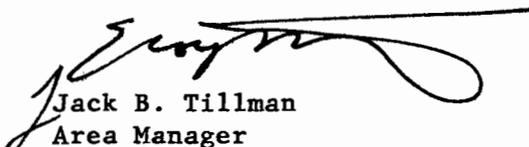
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Mr. Allyn M. Davis

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Our proposed policy is based on several conversations with Steve Slaten of your staff in which he indicated that EPA Region VI is considering applying the LDR standards to RCRA corrective actions in the same manner that they currently apply to CERCLA remedial actions. Thus, we would treat Superfund LDR Guide #5 (July, 1989), "Determining When Land Disposal Restrictions (LDRs) are Applicable to CERCLA Response Actions" (see enclosure), as if it applies in the same manner to RCRA. Please confirm in writing that our proposed approach is acceptable to EPA under RCRA, or supply alternative guidance as soon as possible. In order to prevent any misunderstandings, it would be helpful if you would send a copy of your guidance on this matter to the State of New Mexico Environmental Improvement Division. Thank you for your cooperation.

Sincerely,



Jack B. Tillman
Area Manager

1DLG-633

Enclosure

cc:

A. Tiedman, ADO, MS A120
T. Gunderson, HSE-DO, MS K491
S. Brown, LC-General, MS A187