

General

Carl



Ideas That Change the World

Solid Waste Regulatory Compliance

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Date: November 3, 2003
Refer To: SWRC:03-0505678910111213141516171819

E. Gifford Stack
Solid Waste Bureau
New Mexico Environment Department
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110



Dear Mr. Stack:

Los Alamos National Laboratory (LANL) generates a Resource Conservation and Recovery Act (RCRA) characteristic scrap metal waste stream. It is treated on-site to remove the characteristic and is then recycled. We have discussed this waste stream with the Hazardous Waste Bureau and they contacted the Solid Waste Bureau to clarify its status under the Special Waste Requirements of the New Mexico Solid Waste Management Regulations (20 NMAC 9.1). The Solid Waste Bureau requested that LANL submit this issue in writing. It is described below.

The metals under discussion exhibit the characteristic of reactivity (D003) due to the presence of high explosives (HE). They are treated at LANL's RCRA interim status TA-16 Burn Ground to remove the reactivity characteristic before being sent off-site for reuse or metal recycling. The treated metal could be characterized as special waste, specifically a treated formerly characteristic hazardous waste (TFCHW), under 20 NMAC 9.1.105.BZ. However, Subpart VII (Special Waste Requirements) applies to wastes that are to be land disposed. Because there is no intent to land dispose these metals, we believe that the Subpart VII requirements do not apply.

If you disagree with our interpretation, please feel free to call me at 505-665-0451 or Ann Sherrard at 505-665-7226.

TG: AS:vc

Sincerely,

Anthony R. Grieggs
Acting Group Leader



Cy: Chuck Hules
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SWRC Files
IM-5, A150