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January 23, 2001

RE: RISK-BASED SCREENING LEVELS FOR RCRA CORRECTIVE ACTION SITES IN NEW MEXICO

Dear RCRA regulated facilities,

The New Mexico Environment Department's Hazardous Waste Bureau (HWB) has revised its risk-based goals for corrective action remediation of soils. The changes we are proposing are described below and apply only to the human health considerations for corrective action sites. They do not affect ecological risk considerations for corrective action sites because those risks are calculated using a different protocol.

Under a risk-based approach, industrial screening levels cannot be used to evaluate sites for closure. The State of New Mexico currently has no enforceable mechanism in place to restrict future land use and thus ensure that the industrial exposure scenario on which those levels are based will be met in the future. Because the assumption of guaranteed industrial land use underlying these screening values is invalid, these screening values do not adequately assess the potential risks from contaminants remaining at the site. **Therefore, until statutory authority exists allowing restriction of future land use, corrective action sites applying for a No Further Action determination (a NFA) under a risk-based approach cannot use industrial risk-based screening levels for soils. WQCC standards for ground water must also be achieved at these sites; under the Water Quality Act only the Water Quality Control Commission can grant a variance from ground water standards.**

HWB is also revising the target excess risk level from 10^{-6} to 10^{-5} for the total risk from all carcinogenic contaminants in soil at the site for calculation of residual contaminant levels allowable at sites petitioning for a NFA. This change in risk level is being made so that the target risk goal of 10^{-5} for HWB will be the same as the risk level under the New Mexico Water Quality Control Commission Regulations. The target risk level of 10^{-5} applies only to contaminants whose

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screening levels are based on carcinogenic risk. The target screening levels for non-carcinogenic compounds will continue to be based on a Hazard Index (HI) of 1. The target level for lead will continue to match the EPA Region 6 level for lead. A set of guidelines for soil based on these risk and hazard levels and on New Mexico specific exposure factors is now available from the Hazardous Waste Bureau. These screening levels are currently issued as guidelines to facilities; the Hazardous Waste Bureau expects to use these screening levels as a basis for developing standards for levels of RCRA contaminants in soil in the near future.

Facilities still have the option of proposing site-specific soil contaminant levels for corrective action, provided that these levels are not based on an industrial scenario. Facilities with questions regarding target levels or scenarios that can be used for risk-based corrective action at RCRA facilities should contact Dr. Kirby Olson at HWB at (505) 827-1561 ext. 1034. These changes to the RCRA risk-based corrective action program will ensure greater consistency in site review while still protecting human health and the environment.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB: kso