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Certified Mail
Return Receipt Requested

April 10, 1996

Mr. Sam Coleman
Region 6, U.S. Environmental Protection Agency
First Interstate Bank Tower
1445 Ross Avenue
Dallas, Texas 75202-2733

Dear Mr. Coleman:

NMED has received a Voluntary Corrective Action (VCA) Plan, attached, for Solid Waste Management Unit (SWMU) 0-016, the inactive firing range. NMED is seeking EPA's position on the following specific issues:

1. When treatment of the lead bearing soil in question is carried out in accordance with the plan as written, is the dilution that took place prior to treatment a concern, or does the sieving treatment displace any dilution concern?

   NMED Position is that if the soil is treated, dilution is not a concern because the dilution took place prior to treatment. Treatment should address lead residual concentrations in the soil.

2. Does EPA consider the treatment that is now proposed, dry sieving, equivalent to the soil washing method originally approved, in the VCA submitted to EPA on February 7, 1994 and approved by EPA in April 1994? Will the dry sieving effectively attain the same end result in treatment as the washing of the soil?

   NMED does not consider the dry sieving and soil washing equivalent because of the difference in particle size addressed. Soil washing removes smaller lead particles than dry sieving. However, NMED understands DOE's position that dry sieving will leave the remaining soil containing lead in concentrations below TCLP MCL levels.

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3. Will the use of TCLP analysis, as proposed in the VCA Plan, establish the soil is not a waste? Is the TCLP methodology valid for establishing the 'Waste status" of the soil after the sieving process prior to disposition?

   The question is whether or not EPA's position on dilution for the lead soil in preparation for treatment by soil washing in the approved VCA Plan diluted the lead concentration to the point that the use of TCLP is no longer appropriate to determine waste status. NMED's position is that TCLP analysis should be used to determine whether the soils must be managed as a hazardous waste due to lead content remaining in the soil after treatment.

NMED asks for a written response within 14 working days of the receipt of this letter. Should NMED not receive a written response within 14 days of the receipt of this letter NMED will interpret the lack of response from EPA on these issues as concurrence on NMED's position on the separate issues.

Should you have any questions concerning this correspondence please contact me at (505) 827-2855 or Mr. Benito Garcia of my staff at (505) 827-1557.

Sincerely,

Ed Kelley, Ph.D.
Division Director, Water and Waste Management
New Mexico Environment Department

cc: Benito Garcia, Bureau Chief HRMB
Barbara Hoditschek, Program Manager RCRA Permitting
Ron Kern, Program Manager, Technical Compliance Program