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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 29, 2000

Dr. John Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Theodore Taylor, Project Manager
Los Alamos Area Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

**RE: CONTAINED-IN DETERMINATION FOR PARTIAL CLOSURE ACTIVITIES
AT THE TECHNICAL AREA 16-394 BURN TRAY
LOS ALAMOS NATIONAL LABORATORY
NM 0890010515
HWB-LANL-99-045**

Dear Dr. Browne and Mr. Taylor:

The New Mexico Environment Department's Hazardous Waste Bureau (HWB) has reviewed the request from Los Alamos National Laboratory (LANL) and Department of Energy (DOE) for a "contained-in" determination for environmental media generated during partial closure activities at the Technical Area (TA) 16-394 Burn Tray. The request is dated October 31, 2000 from Julie Canepa of LANL and Ted Taylor of DOE to John Young of HWB, with additional information supplied November 9, 2000 (and referenced by ER2000-629 and ER2000-657). Under the "contained-in" policy, HWB has the discretion to determine that media contaminated with listed wastes at concentrations below health-based levels do not need to be managed as hazardous waste. The "contained-in" determination is being requested for environmental media contaminated with low concentrations of F-listed hazardous waste, including tetrachloroethylene, toluene, acetone and trichloroethylene. The environmental media consist of soil and tuff that were excavated adjacent to and beneath the structure during the partial closure activities. HWB evaluated the analytical data in accordance with current "contained-in" guidance to determine whether the environmental media excavated must be managed as F-listed hazardous waste.

The "contained-in" determination is based on conservative, health-based soil concentrations (i.e., US EPA Region 6 Human Health Medium-Specific Screening Levels) for direct exposure to an

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industrial receptor using a reasonable maximum exposure scenario. An industrial worker scenario is appropriate for this determination because the environmental media excavated will be properly disposed of in an engineered landfill, further reducing the risk to human health and the environment.

LANL reported the following maximum concentrations for these organic constituents: 1,1,2,2-tetrachloroethane at 0.091 parts per million (ppm); tetrachloroethylene at 0.087 ppm; 2-butanone at 0.031 ppm; toluene at 0.26 ppm; acetone at 0.16 ppm; trichloroethylene at 0.017 ppm; 1,1,1-trichloroethane at 0.039 ppm; 1,2-dichloroethane at 0.040 ppm; ethylbenzene at 0.015 ppm; o-xylene at 0.036 ppm; and p/m-xylenes at 0.046 ppm. Based on the information provided, the maximum concentrations are all well below US EPA Region 6 Human Health Medium-Specific Screening Levels (MSSLs). HWB believes that the media excavated which contain constituents at concentrations below the health-based screening levels do not need to be managed as F-listed hazardous waste. Any material with hazardous constituents in concentrations equal to or greater than the proposed health-based concentrations shall be managed as F-listed hazardous waste. Since the reported maximum concentrations to date are also all below Land Disposal Restrictions (LDR) treatment standards in 40 CFR 268.48, additional treatment prior to land disposal is not required.

The requested approval is granted if the excavated material (i.e., environmental media) is managed as solid waste that will be properly disposed of in a Subtitle D engineered facility as specified in the request letter. This "contained-in" determination is limited to the contaminants specifically mentioned, the contaminated environmental media for which the data were submitted for review and the activities conducted during the partial closure. The waste must be managed in the manner described above.

If you have any questions regarding this "contained-in" determination, please contact Michael Chacón at (505) 827-1558 extension 1017 or Eliza Frank at extension 1048.

Sincerely,



John Young
LANL Corrective Action Project Leader
Permits Management Program

JRY:eaf

cc: P. Allen, NMED HWB
J. Bearzi, NMED HWB
M. Chacón, NMED HWB
R. Dinwiddie, NMED HWB

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