



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
March 30, 2005



Mr. James Bearzi
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Response to Observer Inquiry from Audit A-05-08

Dear Mr. Bearzi:

The New Mexico Environment Department (NMED) issued an Observer Inquiry on March 2, 2005, pertaining to the Advanced Mixed Waste Treatment Project Audit, A-05-08. The Department of Energy believes the following information provides the needed response.

In the Observer Inquiry, NMED posed the following question: "Waste containers are exempt from RCRA; however, since the 55DM actually become waste, a consideration of the paint and/or epoxy on the outside of the 55DM should be evaluated for methyl ethyl ketone (MEK, D035), lead based paints (Pb, D008), and zinc chromate (D007). Should the drum external surface undergo sampling and analysis?"

Additional sampling and analysis is not necessary as the acceptable knowledge report addressed paint and epoxy, as well as lead and chromium. Therefore, no additional information could be obtained from such sampling and analysis that would assist in the hazardous waste determination. In addition, sampling and analysis is not required under the hazardous waste facility permit for debris waste streams.

This waste stream consists of drums with waste in them; the acceptable knowledge report includes the drums that become waste in the hazardous waste determination for the waste stream. Additional sampling and analysis, or documented evaluations of the paint and epoxy on the drum, is not necessary because the acceptable knowledge report and assigned codes already encompass characteristic hazardous constituents that may be present in paint or epoxy, such as lead or chromium. Solvents or thinners added to paint (for example, MEK), do not make the paint an F-listed waste because the solvent was not "spent solvent" when it was used to process the paint (see 50FR53316-20).



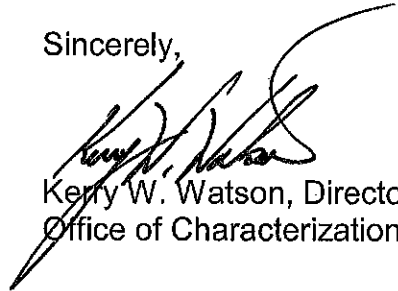
Mr. James Bearzi

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If you have any additional questions regarding this matter, please contact me at (505) 234-7357.

Sincerely,



Kerry W. Watson, Director
Office of Characterization and Transportation

cc:

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Mr. James Bearzi

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bcc:

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