

Post-It Fax Note	7871	Date	12/10	# of pages	2
To	Joseph Legare	From	Steve Henderson		
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Colorado Department
 of Public Health
 and Environment

December 7, 2001

Mr. Joseph A Legare
 Assistant Manager for Environment and Infrastructure
 U.S. Department of Energy, Rocky Flats Field Office
 10808 Highway 93, Unit A
 Golden, CO 80403-8200

RE: Concrete Recycling RSOP

Dear Mr. Legare:

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division has identified a concern associated with interpretation and implementation of the Concrete Recycling RSOP requiring clarification and possible modification of the RSOP. The issue revolves around the proper identification of what constitutes inert concrete with regard to RCRA hazardous constituents.

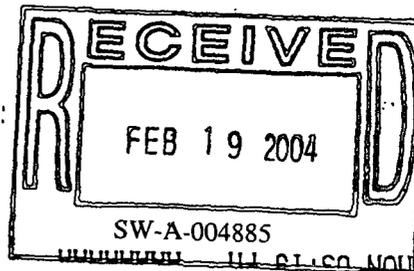
The RSOP currently lists, in Table 2.1, the "Free Release Threshold" for "RCRA Waste Contamination" as "no listed RCRA hazardous waste or characteristic hazardous waste is present". This appears to have been interpreted by RFETS personnel as indicating that concrete is inert and therefore free releasable if it is not identified as a hazardous waste or containing a hazardous waste. However, concrete is a solid waste that may be recycled only under certain circumstances as long as it is determined to be an inert material. Therefore, to recycle concrete a determination must be made that it is inert. As stated in the solid waste regulations, 6CCR1007-2, Section 1.2, an inert material is defined as a material that is non-watersoluble and does not contain other material as will not significantly affect the inert nature of the material. As such, to be inert the concrete must not be or contain hazardous waste, nor hazardous constituents above appropriate risk based or groundwater protection levels.

Sampling and analysis for RCRA concerns is only required to demonstrate the concrete is inert if historical or process knowledge indicates that the concrete may contain RCRA wastes or constituents. If historical or process knowledge indicates that a facility does not have any RCRA concerns, sampling and analysis for RCRA wastes or constituents is not required to show that the concrete is inert. The Division has suggested on several occasions that RFETS perform Totals analysis rather than TCLP on concrete due to the lower cost and additional analytical information provided by the Totals analysis. However, RFETS has indicated its intention to continue to perform TCLP analysis rather than Totals. As such, in an effort to utilize the TCLP results to demonstrate that the concrete is inert, the Division provided RFETS personnel with a table

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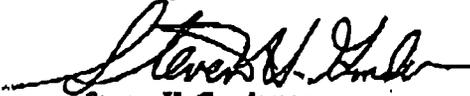
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identifying the appropriate inorganic analytical levels. This table was provided at the November 28 meeting, and was generated utilizing the methodology identified in the Division's Proposed Soil Remediation Objectives Policy Document, Section 6.5.4. The table provided at the November meeting also provides the current surface water standards, the current ground water standards, and the appropriate inorganic analytical levels for Totals analysis. Although these levels are open for discussion, and RFETS may suggest site specific levels, until these are agreed upon the analytical results must not exceed the levels (TCLP or Totals) identified in the table provided for concrete with potential inorganic RCRA concerns to be considered inert. The current subsurface RSALs for organic hazardous constituents also need to be utilized to determine the inert nature of the concrete, until other appropriate levels are agreed upon.

Because of the confusion apparently created by the Free Release Limits Summary provided in Table 2.1, the RSOP may need to be modified to include appropriate levels for hazardous constituents. However, the concern with the hazardous constituents appears to be covered in Section 2.1 of the RSOP, where on page 3 it is stated, "if contaminants without an established free release limit are detected, a limit will be established in a decision document or negotiated with the LRA." As previously discussed with RFETS personnel, this could be as simple as utilization of the appropriate RSALs and utilization of the table provided, or generation of specific action levels for concrete rather than a modification of this RSOP.

If you have any questions regarding this correspondence please contact Steve at (303) 692-3367 or David Kruchek at (303) 692-3328.

Sincerely,



Steven H. Gunderson
RFCA Project Coordinator



Gary W. Baughman
Compliance Program Manager

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