

9502.1990(01)

INTERIM SOIL CLEAN-UP LEVELS FOR LEAD AT SUPERFUND SITES

MAY 7 1990

MEMORANDUM

SUBJECT: Interim Guidance on Establishing Soil Lead Cleanup
Levels at RCRA Facilities

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste

TO: David A. Ullrich, Acting Director
Waste Management Division, Region V (5HR - 13)

This is in response to your memorandum of February 15, 1990 requesting interpretation as to whether a recent OSWER Superfund directive (#9355.4-02), which sets forth interim soil cleanup levels for lead at Superfund sites, also applies to RCRA closures and corrective actions. In addition, this memorandum will supplant the memorandum from Sylvia Lowrance to William Muno dated May 27, 1988, interpreting the use of soil background levels for lead as clean closure standards.

As you know, establishing a health-based "cleanup" level for lead in soil has been a major issue for the Agency for some time. Presently, there is an interoffice project underway to develop site-specific soil lead cleanup levels based on a biokinetic uptake model, as referenced in the above guidance memorandum. We anticipate that this model will be finalized within the next several months; however, we recognize the importance of addressing this issue at this time and so are offering this interim guidance.

We understand that during this interim period, Region 5 and other Regions and States will need to make decisions as to the appropriate levels for lead in soil in the context of RCRA closures and corrective actions. It is our understanding, based on some preliminary runs of the new model, that the soil lead cleanup levels could be as low as 100 - 150 ppm at some facilities. These levels would reflect a set of default values, based on conservative assumptions regarding exposure and other

factors. Thus, there may be a number of situations where it would be appropriate to use other assumptions in setting cleanup levels for specific facilities. For more information on the to contact Susan Griffin of the Health Assessment Section (FTS-382-6392).

Until the model is finalized, we believe that it may be appropriate under some exposure conditions, to establish soil lead cleanup levels based on the CDC-derived numbers, presented in OSWER directive 9355.4-02, rather than the 100 - 150 ppm range provided above. Alternatively, background levels may also be an appropriate choice for cleanup levels. Background levels could be used, for example, in urban settings or industrial areas, where they sometimes exceed levels derived from health-based models.

If you have any further questions, please contact Dave Fagan (FTS-382-4497) or Lisa Askari (FTS-382-4535).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: FEB 15 1990

SUBJECT: OSWER Directive #9355.4-02 (Soil lead cleanup levels) and its Effect on RCRA Closures.

FROM: David A. Ullrich, Acting Director (5HR-13)
Waste Management Division

TO: Sylvia K. Lowrance, Director (OS-300)
Office of Solid Waste

The purpose of this memorandum is to request your interpretation as to whether a recent OSWER Superfund directive has any effect on RCRA closures. The directive (#9355.4-02) sets forth interim soil cleanup levels for lead at Superfund sites. Recently, the State of Ohio has informed us that an Ohio consulting firm, ERM-Midwest, is attempting to use this guidance to establish clean closure levels for lead at RCRA facilities. The Ohio EPA has asked for the U.S. EPA's assistance in responding to ERM-Midwest on this issue.

The Ohio EPA became authorized to approve closure plans in June 1989. Prior to that time, Region V approved closure plans for Ohio facilities. It has been Region V's position that, in general, Superfund guidance is not applicable to RCRA closures because of differences in the Superfund and RCRA statutes (such as for cost-effectiveness requirements). However, to assist the State of Ohio, an interpretation from Headquarters would be helpful on the particular directive referred to in this memorandum.

We are aware that the Office of General Counsel is preparing a response to this issue, based on procedural grounds only, for the legal action against the Agency involving Burnham Corporation in Zanesville, Ohio. However, we believe a policy interpretation is necessary at this time on this issue, removed from the specifics of the Burnham case. We are concerned that this issue will continue to arise at RCRA facilities that may employ ERM-Midwest as a consultant.

We would appreciate a response as soon as possible, as Ohio is in the process of dealing with at least two facilities on these issues. If you need any additional information to complete your report, please contact Francine Norling of my staff, at FTS 886-6198.

Attachments

cc: Ed Kitchen, OEPA

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