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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

January 24, 1989

MEMORANDUM

SUBJECT: Status of Contaminated Groundwater and
Limitations on Disposal and Reuse

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

TO: Jeff Zelikson, Director
Toxics and Waste Management Division
Region IX

In your memo of December 16, 1988 and the attached materials, you stated your understanding of the current policy on the clarification of contaminated groundwater and described issues which have arisen in California regarding reuse of contaminated groundwater from a Superfund site.

You have accurately stated the effects of the "contained in" policy which governs situations such as the one you have described. Briefly, a contaminated groundwater which has been treated such that it no longer contains hazardous constituents, need not be considered to be a hazardous waste, and beneficial reuse of the water is permissible. We have not yet issued definitive guidance on levels below which the groundwater is not longer considered to contain hazardous wastes. Until such definitive guidance is issued, the Regions may determine these levels on a case-specific basis.

It is our expectation that ultimately the guidance on levels of hazardous wastes which may remain will mirror the levels in the De Minimis rule which is now under development by OSW. I know that Region IX has been participating in the Work Group discussions and reviews of this proposal and I urge you to continue this involvement.

In its present form, the De Minimis approach contemplates levels based on health-based standards (where available), assuming direct exposure. With respect to the constituents of concern at the Fairchild Superfund site -- trichloroethane and dichloroethylene -- the levels remaining in the treated groundwater are well below the MCLs and would therefore be consistent with the De Minimis approach.

If you have additional questions, please contact David Fagan at FTS 382-4748. Questions on the De Minimis rule should be addressed to Robert Scarberry at FTS 382-4778.

cc: Tina Kaneen
Henry Longest