

## **Responses to EPA Comments 19 and 21**

EPA recommends that the response to our Comment 19 be modified to note that a correlation and regression analysis will be performed for the Lumex as well as the field portable XRF instrument to correct for possible bias of that field instrument as well.

EPA has a concern with the response to our Comment 21. The response states that the RCRA regulations applicable to the landfill design, operation, closure and post closure care do not apply. EPA infers that what BLM is actually stating is that BLM does not consider these regulations to be ARARs at all (neither applicable nor relevant and appropriate), not that the regulations are simply not applicable but could be relevant and appropriate. In the discussion between EPA's RCRA program and BLM's contractor, EPA agreed that the regulations were not applicable to these alternatives, on the basis that consolidation of remediation waste within an area of concern into a repository does not constitute disposal. But the regulations are relevant and appropriate. Even though disposal is not occurring, EPA views the on-site repository as a site where wastes are remaining in place in a manner functionally equivalent to a landfill. Construction, operation, and long-term care and maintenance of such a unit requires that the cover should address exposure through direct contact, and be sufficiently impermeable with respect to the underlying soils or liners that liquids do not accumulate within the wastes (the "bathtub" effect). Long term management of the site and cover as well as groundwater monitoring is also necessary. Institutional controls should be employed as necessary. EPA anticipates that BLM will implement such design criteria and actions at the on-site repository. Thus, BLM will meet the relevant and appropriate requirements of these regulations. Accordingly, EPA doesn't understand why BLM would not consider these RCRA regulations as ARARs when it is following the substantive portions of the regulations in order for the alternatives to be protective of human health and the environment. To conclude, the response should be revised to state these regulations are relevant and appropriate.