

# **Kirtland AFB Bulk Fuels Facility Spill**

## **Regulatory Authority and Implementation of Corrective Action under RCRA**

**New Mexico Environment Department**

*<http://www.nmenv.state.nm.us>*

**Albuquerque-Bernalillo County Water Utility Authority  
Governing Board**

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# Regulatory Authority: Statutes and Regulations

- Federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. (1976)
  - Established permitting, manifest system, and other administrative mechanisms to track and manage waste from "cradle-to-grave."
  - 1984 Hazardous and Solid Waste Amendments
    - Waste minimization and land disposal
    - Releases of hazardous waste or constituents subject to corrective action
- NM Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 to 74-4-14
  - Includes requirements for corrective action, including releases extending beyond a facility's boundaries
- HWA authorized promulgation of Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC
- New Mexico authorized as the administrative authority for corrective action under RCRA by EPA on January 2, 1996

# Regulatory Authority: Imposed through Permit

- Kirtland AFB Hazardous Waste Facility Permit
  - Renewed on June 15, 2010; effective July 16, 2010
- Permit Part 6 contains extensive provisions for corrective action as required pursuant to 20.4.1.500 NMAC incorporating 40 CFR § 264.101
  - Primary driver for corrective action at the Facility
  - Must protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the Facility
  - Schedules of compliance
  - Must implement corrective actions beyond the Facility boundary, where necessary

## Regulatory Authority: Corrective Action for SWMUs

- Corrective Action required by regulations (20.4.1.500 NMAC incorporating 40 CFR § 264.101) and imposed through Permit (Permit Part 6)
- Collectively, the "Bulk Fuels Facility Spill" made up of:
  - Solid Waste Management Unit (SWMU) ST-106 - Bulk Fuels Facility Former Fuel Offloading Rack
  - SWMU SS-111 - Light Non-Aqueous Phase Liquid ("LNAPL") plume
- ST-106 and SS-111 listed in Permit as being subject to corrective action
  - Attachment I, Table I-3

# Water Quality Standards

(Required by Regulation and Imposed by Permit Condition)

- Ethylene Dibromide
  - EPA Maximum Contaminant Level (MCL) 0.05 µg/L (ppb)
  - New Mexico WQCC Standard (WQCC) 0.1 µg/l
- Benzene
  - EPA MCL 5 µg/L
  - NM WQCC 10 µg/L
- Toluene
  - EPA MCL 1 mg/L (ppm)
  - NM WQCC 0.750 mg/L
- Xylenes (total)
  - EPA MCL 10 mg/L
  - NM WQCC 0.620 mg/L

# Current Status and Looking Ahead

- Project currently in investigation phase
  - Final remedy cannot be determined until investigation is complete
  - Interim measures have been required while investigation continues
    - Enough is already known to begin cleanup of vadose zone and groundwater
- Issue Remedial Action Plan (RAP) ASAP to treat groundwater generated by LNAPL Containment System (should system be deployed)
- Corrective Measures Evaluation (CME) Report required 180 days after NMED approves site characterization (Investigation Report)
- Revise RAP to incorporate final remedy based on CME Report and public input
  - Public notice to be issued to seek public input
  - A public hearing may be held
- Approve Corrective Measures Implementation (CMI) Plan for implementing final remedy
- Implement and complete final remedy

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<http://www.nmenv.state.nm.us/HWB/kafbperm.htm>

<http://www.kirtland.af.mil/environment.asp>