



DEPARTMENT OF THE AIR FORCE
377TH AIR BASE WING (AFGSC)

16 July 2020

Colonel Ryan Nye, USAF
Vice Commander
377th Air Base Wing
2000 Wyoming Blvd SE
Kirtland AFB NM 87117

Mr. Kevin M. Pierard, Chief
Hazardous Waste Bureau (HWB)
New Mexico Environment Department (NMED)
2905 Rodeo Park Drive East, Building 1
Santa Fe NM 87505-6303

Dear Mr. Pierard

The Air Force respectfully requests clarification from the New Mexico Environment Department (NMED) in reference to its statements in Comment 4 of the 26 May 2020 "Disapproval Work Plan for Shallow Soil Vapor Sampling, Bulk Fuels Facility, Solid Waste Management Units ST-106/SS-111, November 2019 Kirtland Air Force Base, New Mexico EPA ID# NM9570024423 HWB-KAFB-19-014" (NOD). Comment 4 does not accurately reflect the administrative record on the Risk Assessment and does not accurately represent the path forward mutually agreed to by NMED and the Air Force as detailed in this letter. The Air Force requests that NMED issue a written clarification to address these inaccuracies.

Comment 4 of the NOD states:

"The Permittee referenced a 2017 Risk Assessment throughout the Work Plan. The vapor intrusion pathway portion of the Permittee's 2017 Risk Assessment was not approved; therefore, all references to the results of the risk assessment must be removed from the revised Work Plan. Risk assessment is not appropriate when a site investigation has not yet been completed or where conditions at the site are being manipulated, such as during pilot tests. In addition, preparing and reviewing a premature risk assessment constitutes an ineffective use of resources for both the Air Force and NMED. Discussions between NMED and KAFB on May 7 resulted in both parties agreeing that conducting a risk assessment at this point in the project was neither appropriate nor beneficial. NMED is directing the Permittee to abandon completion of the risk assessment. This does not remove the requirement for the Permittee to investigate the potential for vapor intrusion into buildings and homes near the site. Please revise the Work Plan to remove references to the risk assessment."

As detailed below, Comment 4 ignores direction from NMED to perform an interim risk assessment and ignores NMED's approval of three sections of the Risk Assessment that are contained in the administrative record. Comment 4 also does not accurately represent discussions

about the Risk Assessment in the 07 May 2020 conference call between NMED Hazardous Waste Bureau (HWB) staff and the Air Force.

NMED Administrative Record on 15 July 2017 Risk Assessment

In 2016, NMED and the Air Force agreed that an interim risk assessment was necessary to allay stakeholder concerns about possible impacts from the ethylene dibromide (EDB) plume to Albuquerque Bernalillo County Water Utility Authority (ABCWUA) production wells. A second objective of the Risk Assessment was to document completed interim measures (e.g., soil removal in Bulk Fuels Facility [BFF] source area) and ongoing interim measures (e.g., EDB plume pump and treat interim measure) that have mitigated risk to human health.

As stated in NMED's April 2017 "*KAFB Fuel Leak 2017 Strategic Plan*":

"Site assessment and characterization activities are ongoing to address the few remaining data gaps in the EDB plume and source area. A RCRA Facility Investigation (RFI) report was submitted to the NMED on January 31, 2017. A risk assessment is also part of the RFI and will be submitted April 2017. The risk assessment uses the nature and extent of fuel-related contamination to evaluate potential risk to human health and the environment, both on-KAFB and off."(emphasis added)

The 17 May 2017 letter from NMED entitled "*Notice of Deficiency, Risk Assessment Report, Resource Conservation and Recovery Act (RCRA) Facility Investigation Report, Bulk Fuels Facility Release Solid Waste Management Unit ST-106/SS-111 Kirtland Air Force Base EPA ID# NM9570024423, HWB-KAFB-13-MISC*" directs the Air Force to perform a risk assessment prior to the completion of the site investigation: "*As KAFB is aware, risk assessment is a critical component of the RCRA process...KAFB must submit the RAR [Risk Assessment Report] no later than June 30, 2017 or provide a written request with justification for an alternative submittal date within two weeks of receipt of this letter. If an alternative submittal date is requested, it must be attainable and not an arbitrary deadline, as NMED is unwilling to further prolong its submittal*" (emphasis added). A copy of this letter is provided in Attachment A.

The Air Force submitted an extension request for the completion of a risk assessment in a letter dated 28 June 2017. A copy of this letter is provided in Attachment B. This request was granted by NMED in a letter dated 05 July 2017 and the due date for the Risk Assessment was extended until 28 July 2017. A copy of this letter is provided in Attachment C.

The Risk Assessment was submitted to NMED in a letter dated 15 July 2017 entitled "*Risk Assessment Bulk Fuels Facility Release Solid Waste Management Unit ST-106/SS-111 Kirtland Air Force Base, New Mexico.*" The total cost to prepare the Risk Assessment was over \$400,000.

A 19 December 2018 letter from NMED approved the following sections of the 15 July 2017 Risk Assessment:

- *“On-site surface and mixed zone soil - NMED agrees that surface and mixed zone soil contaminant levels do not pose unacceptable risks to current/future commercial/industrial workers at the BFF, to future construction workers at the BFF, and to future hypothetical residents at the BFF.*
- *Off-Base surface and mixed zone soil - NMED agrees that there are no complete or potentially complete exposure pathways for surface and mixed soil zone for off-Base receptors.*
- *Groundwater - NMED agrees that groundwater impacted by contaminants from the BFF is not currently used as a drinking water source, and that the ongoing interim corrective measures and LUCs are necessary to prevent exposure.”*

In this letter NMED provided its technical basis for these approvals:

- *“Soil - The HHRA [Human Health Risk Assessment] identified complete and potentially complete soil exposure pathways for the on-site current/future commercial/industrial workers at the BFF, future construction workers at the BFF, and future hypothetical residents at the BFF. Total soil risks based on the maximum detected concentrations were at or below NMED target risk levels. Therefore, no unacceptable risk was identified based on exposure to on-site surface soil (0 to 1 foot below ground surface) or mixed soil zone (0 to 10 feet below ground surface) within the BFF. Additionally, as no contaminated surface or mixed zone soil is present off-Base, therefore, there are no complete or potentially complete exposure pathways for impacted soil for off-Base receptors.*
- *Groundwater - The HHRA determined that groundwater impacted by contaminants from the BFF is not currently used as a drinking water source and that Land Use Controls (“LUCs”) are in place to prevent exposure. Therefore, there are currently no complete exposure pathways for groundwater on-site or off-Base. Additionally, in order to inform risk management decisions and evaluate an unrestricted use scenario, domestic use of groundwater was evaluated on-site and off-Base. Total risks calculated using NMED tap water screening levels exceeded NMED target levels.*

The New Mexico Office of the State Engineer issued a well drilling moratorium associated with BFF corrective action activities on February 9, 2017. The intent of this moratorium is to protect human health and prevent interference with ongoing corrective action activities by restricting the drilling of new wells and the transfer of water rights within the boundaries specified by NMED. BFF contaminants have not been detected in off-Base water supply sentinel wells at concentrations exceeding drinking water standards. In addition, KAFB drinking water supply wells are sampled monthly and no BFF contaminants exceeding screening levels have been detected. Based on the results of the HHRA, the interim corrective measures (groundwater extraction and treatment system) and LUCs are needed to prevent direct contact with groundwater.”

In summary, NMED’s statement in the 26 May 2020 NOD that “...Risk assessment is not appropriate when a site investigation has not yet been completed or where conditions at the site are being manipulated, such as during pilot tests. In addition, preparing and reviewing a

premature risk assessment constitutes an ineffective use of resources for both the Air Force and NMED...” directly contradicts prior direction to perform the Risk Assessment from NMED to the Air Force and dismisses NMED’s conclusions regarding three exposure pathways. As Mr. Mark Correll, Deputy Assistant Secretary of the Air Force for Environment, Safety and Infrastructure, stated to and received concurrence from Cabinet Secretary James Kenney during our 07 January 2020 meeting, the Air Force has a right to rely on prior commitments and direction from NMED to ensure federal resources are spent appropriately to continue to move this project towards final remedy selection.

Agreements between NMED and Air Force during the 07 May 2020 Conference Call

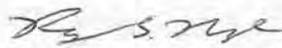
NMED’s statement in the 26 May 2020 NOD that “*Discussions between NMED and KAFB on May 7 resulted in both parties agreeing that conducting a risk assessment at this point in the project was neither appropriate nor beneficial*” misrepresents the risk assessment path forward mutually agreed to by NMED and the Air Force. During this call, the Air Force explained to the HWB staff that the Risk Assessment was performed at NMED’s direction. The Air Force also provided the history leading up to the decision to perform an interim risk assessment. The Air Force did not agree “*that conducting a risk assessment at this point in the project was neither appropriate nor beneficial.*” NMED’s conclusions in the 19 December 2018 letter that there are currently no complete exposure pathways for groundwater on or off Kirtland Air Force Base, and that there are no risks to human health from on-site surface and mixed zone soil, are beneficial to this project. Performing an interim risk assessment during a long investigative phase ensures accurate risk communication with the public.

Furthermore, NMED’s statement in the 26 May 2020 NOD that “*NMED is directing the Permittee to abandon completion of the risk assessment*” is accurate but not complete. NMED and the Air Force agreed that an updated Risk Assessment would be performed concurrent with the Corrective Measures Evaluation. This update would include the new shallow soil vapor data as well as an evaluation of groundwater data collected after the completion of the interim risk assessment.

In summary, Comment 4 in the 26 May 2020 NOD does not accurately reflect the administrative record on the Risk Assessment nor does it accurately represent the path forward mutually agreed to by NMED and the Air Force. The Air Force requests that NMED issue a written clarification of Comment 4 to address these inaccuracies.

If you have any questions or would like to schedule a call to discuss these issues further, please contact Mr. Sheen Kottkamp at 505-846-7674 or sheen.kottkamp.1@us.af.mil.

Sincerely


RYAN NYE, Colonel, USAF
Vice Commander

Attachment A:

Memorandum from Juan Carlos Borrego, NMED, to Col Eric H. Froehlich and Lt Col Wayne J. Acosta, KAFB, with the subject line: *Notice of Deficiency, Risk Assessment Report, Resource Conservation and Recovery Act (RCRA) Facility Investigation Report, Bulk Fuels Facility, Release Solid Waste Management Unit ST-106/SS-111, Kirtland Air Force Base, EPA ID# NM9570024423, HWB-KAFB-13-MISC*. 24 May 2017.

Attachment B:

Memorandum from Col Richard W. Gibbs, KAFB, to Mr. John Kieling, NMED. 28 June 2017.

Attachment C:

Memorandum from Juan Carlos Borrego, NMED, to Col Richard W. Gibbs and Lt Col Wayne J. Acosta, KAFB, with the subject line: *Extension Request, Risk Assessment Report, Bulk Fuels Facility Spill, Solid Waste Management Unit ST-106/SS-111, Kirtland Air Force Base, EPA ID# NM9570024423, HWB-KAFB-MISC*. 5 July 2017.

cc:

NMED HWB (Pierard), electronic and hardcopy
NMED Resource Protection Division (Stringer), electronic only
NMED HWB (Cobrain), electronic only
NMED OGC (Hower), electronic only
SAF/IEE (Lynnes), electronic only
377 ABW/JA (Cicarelli), electronic only
AFCEC/CZ (Cash, Kottkamp, Segura), electronic only
USACE-ABQ District Office (Moayyad), electronic only
Public Info Repository, Administrative Record/Information Repository (AR/IR) and File

**NEW MEXICO
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

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BUTCH TONGATE
Cabinet Secretary

J C BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 24, 2017

Colonel Eric. H. Froehlich
Base Commander
377 ABW/CC
2000 Wyoming Blvd SE
Kirtland AFB, NM 87117-5606

Lieutenant Colonel Wayne J. Acosta
Civil Engineer Office
377 Civil Engineering Division
2050 Wyoming Blvd SE, Suite 116
Kirtland AFB, NM 87117-5270

**RE: NOTICE OF DEFICIENCY, RISK ASSESSMENT REPORT, RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY INVESTIGATION REPORT, BULK FUELS FACILITY RELEASE
SOLID WASTE MANAGEMENT UNIT ST-106/SS-111
KIRTLAND AIR FORCE BASE
EPA ID# NM9570024423, HWB-KAFB-13-MISC**

Dear Colonel Froehlich and Lt. Colonel Acosta:

On January 31, 2017, Kirtland Air Force Base (“KAFB” or “Permittee”) submitted the Resource Conservation and Recovery Act (“RCRA”) Facility Investigation (“RFI”) Report to the New Mexico Environment Department (“NMED”). In the transmittal letter for the RFI Report, KAFB acknowledged the requirement to also submit a Risk Assessment Report (“RAR”) and stated that the RAR would be “submitted under separate cover in March 2017.”

NMED understands and acknowledges that data quality concerns with the CARB 422 soil vapor analytical method were identified during the risk assessment process. These concerns were brought to the attention of the NMED at the February 22, 2017 technical working group meeting and were formally submitted in a letter submitted to NMED dated April 3, 2017. In February, NMED gave KAFB verbal approval to proceed with the risk assessment using the TO-15 soil vapor data so that progress could continue to be made on the RAR.

Col. Froehlich and Lt. Col. Acosta

May 24, 2017

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As KAFB is aware, risk assessment is a critical component of the RCRA process. Additionally, both NMED and KAFB have been assuring the public that a RAR would be submitted in the near future, initially committing that it would be submitted with the RFI Report in January 2017, and then in March 2017 as stated in the RFI transmittal letter. By the March 2017 public meeting, KAFB had shifted the projected delivery date of the RAR to April 2017. To date, NMED has not received the RAR, nor a communication of schedule for delivery of this required document. Therefore, NMED finds KAFB to be deficient in its submittal of the RAR.

KAFB must submit the RAR no later than June 30, 2017 or provide a written request with justification for an alternative submittal date within two weeks of receipt of this letter. If an alternative submittal date is requested, it must be attainable and not an arbitrary deadline, as NMED is unwilling to further prolong its submittal.

If you have any questions regarding this letter, please contact John Kieling at (505) 476-6035 or Diane Agnew at (505) 222-9555.

Sincerely,



Juan Carlos Borrego
Deputy Secretary
Environment Department

cc: Col. M. Harner, KAFB
K. Lynnes, KAFB
A. Bodour, KAFB-AFCEC
T. Simpler, USACE
M.L. Leonard, AEHD
F. Shean, ABCWUA
L. King, EPA-Region 6 (6PD-N)
J. Kieling, NMED-HWB
D. Agnew, NMED-GWQB
S. Pullen, NMED-GWQB
M. Hunter, NMED-GWQB

File: KAFB 2017 Bulk Fuels Facility Spill


ENTERED


**DEPARTMENT OF THE AIR FORCE
377TH AIR BASE WING (AFGSC)**



Colonel Richard W. Gibbs
377 ABW/CC
2000 Wyoming Blvd SE
Kirtland Air Force Base NM 87117

JUN 28 2017



Mr. John Kieling
Hazardous Waste Bureau Chief
New Mexico Environment Department (NMED)
2905 Rodeo Park Drive East, Building 1
Santa Fe NM 87505-6303

Dear Mr. Kieling

The Air Force is requesting an extension on the submittal date for the Kirtland Air Force Base Bulk Fuels Facility release Solid Waste Management Unit ST-106/SS-111 Risk Assessment Report from June 30, 2017 to July 28, 2017 per NMED's Notice of Deficiency dated May 24, 2017. As a final level of review, Air Force Civil Engineer Center (AFCEC) utilized Dr. Shannon Garcia as a subject matter expert (SME) who has extensive experience with human health risk assessments for sites in New Mexico. During her review, Dr. Garcia identified two key changes to the risk assessment that would enhance the analysis of soil gas data by being more conservative and comprehensive. We request this additional time to incorporate our SME's comments, which will involve additional calculations and review.

If you have any questions or concerns, please contact Mr. Scott Clark at (505) 846-9017 or at scott.clark@us.af.mil or Dr. Adria Bodour at (210) 241-6276 or at adria.bodour.1@us.af.mil.

Sincerely

RICHARD W. GIBBS, Colonel, USAF
Commander

cc:

NMED, Deputy Secretary (Borrego), letter
NMED-GWQB (Agnew, Hunter), letter
EPA Region 6 (Ellinger, King), letter
SAF-IEE (Lynnes), electronic only
AFCEC/CZ (Bodour, Clark, O'Grady), electronic only
USACE-ABQ District Office (Dreeland, Phaneuf, Salazar, Sanchez, Simpler), electronic only
Public Info Repository, Administrative Record/Information Repository (AR/IR) and File



**ENTERED**

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

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BUTCH TONGATE
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J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 5, 2017

Colonel Richard W. Gibbs
Base Commander
377 ABW/CC
2000 Wyoming Blvd SE
Kirtland AFB, NM 87117-5606

Lieutenant Colonel Wayne J. Acosta
Civil Engineer Office
377 Civil Engineering Division
2050 Wyoming Blvd SE, Suite 116
Kirtland AFB, NM 87117-5270

**RE: EXTENSION REQUEST
RISK ASSESSMENT REPORT, BULK FUELS FACILITY SPILL
SOLID WASTE MANAGEMENT UNIT ST-106/SS-111
KIRTLAND AIR FORCE BASE
EPA ID# NM9570024423, HWB-KAFB-MISC**

Dear Colonel Gibbs and Lt. Colonel Acosta:

The New Mexico Environment Department (“NMED”) received the U.S. Air Force’s (“Permittee”) request for an extension to submit the *Bulk Fuels Facility release Solid Waste Management Unit ST-106/SS-111 Risk Assessment Report*. The Permittee is requesting that the due date for the Risk Assessment Report be extended to July 28, 2017 instead of June 30, 2017. The Permittee cites the need for additional time to incorporate comments received from the Air Force Civil Engineer Center subject matter expert (“SME”). The Permittee believes that the incorporation of the SME comments will result in an enhanced soil gas data analysis that is more conservative and comprehensive for the site.

The extension request is hereby approved. Therefore, the Risk Assessment Report is due no later than July 28, 2017.



Col. Gibbs and Lt. Col. Acosta

July 5, 2017

Page 2

If you have any questions regarding this letter, please contact Diane Agnew at (505) 222-9555.

Sincerely,



Juan Carlos Borrego
Deputy Secretary
Environment Department

cc: Col. M. Harner, KAFB
K. Lynnes, KAFB
A. Bodour, KAFB-AFCEC
T. Simpler, USACE
M.L. Leonard, AEHD
F. Shean, ABCWUA
L. King, EPA-Region 6 (6PD-N)
J. Kieling, NMED-HWB
D. Agnew, NMED-GWQB
S. Pullen, NMED-GWQB
M. Hunter, NMED-GWQB

File: KAFB 2017 Bulk Fuels Facility Spill