

ENTERED

TO: Barbara Hodischek, Program Manager Permits
Edward Horst, Program Manager Enforcement
Benito Garcia, Bureau Chief

MARC

BRIEFING SHEET

October 2, 1992

Background: Fort Bliss headquarters is in Texas, but RCRA and SWMU units exist in New Mexico. The RCRA unit is the 41st Explosive Ordnance Demolition Area (OB/OD unit). Fort Bliss submitted a Part B permit application to NMED for this unit on November 7, 1988. NMED has not reviewed the application. No deadline exists for NMED to issue the permit, and permit issuance may not be on the FY93 Grant Workplans.

TWC issued the RCRA and HSWA permit for the Texas side of Fort Bliss in January 1991. Fort Bliss submitted a RFI Workplan and a RFI Report and TWC approved the RFI Report in March 1992 for the Texas side SWMUs.

It appears that Fort Bliss is proceeding with voluntary corrective action for the NM SWMUs on the same schedule as the Texas side SWMUs. We received a copy of the RFI Workplan for the NM SWMUs dated September 1991. We commented through John Pfiel to Fort Bliss by letter dated July 17, 1992. These comments were general comments. On August 18, 1992, Fort Bliss sent Benito Garcia a Preliminary Draft Corrective Measures Study for the Oro Grande Oxidation unit which did not include the McGregor Range SWMU(s). The Preliminary Draft did not appear to address the July 17, 1992, comment letter we sent. Fort Bliss requested our comments on the Preliminary Draft Corrective Measures Study by September 18, 1992. We have not sent comments to date.

Regulatory Requirements: Fort Bliss is conducting voluntary corrective actions for SWMUs on the NM side before a permit has been issued to cover such activity. This is allowable under the regulations.

Concerns: Fort Bliss is conducting the voluntary corrective action for SWMUs without HRMB input.

Preliminary review of the documents submitted

immediate technical deficiencies, which will eventually need to be addressed.

If we don't provide the comments to Fort Bliss that they are asking for it gives the impression that we have had our chance to comment and missed it.

We have no permit authority to officially approve the SWMU work the Fort Bliss is doing until the permit is issued. We can only provide technical assistance in their voluntary corrective action for SWMUs. (This is a technicality)

When the permit is issued it will be issued when corrective action for SWMUs is in "mid-stream", and all the work that has been done at the time of permit issuance will need to be evaluated and the HSWA part of the permit will have to be tailored to meet the current situation. (e.g. the HSWA part will need to address any lingering deficiencies, if any, in the work that Fort Bliss has already done.)

Resolution:

OPTION 1 - Either HRMB write a letter or assist EPA in writing a letter to Fort Bliss clarifying to them that any voluntary work that they are doing on SWMUs will be evaluated against permit requirements when issued, and that we may have comments later on the voluntary work that has been done.

OPTION 2 - OPTION 1 plus do nothing

→ OPTION 3 - OPTION 1 plus provide technical comments on the voluntary corrective action work

OPTION 4 - OPTION 3 plus begin processing the RCRA permit, let EPA write the HSWA portion

OPTION 5 - OPTION 3 plus begin writing the RCRA permit and request lead from EPA for writing the HSWA portion

Request:

Management is requested to make this call considering that OPTION 1 is the least staff resource intensive and OPTION 4 is the most staff resource intensive. Or you may decide another option not listed is appropriate.

Marc Sidle Steve Alexander

*Not knowing what time element exists for permitting steps - I would recommend Option 3 and possibly Opt. 4 - send letter for possible feedback if necessary to EPA
EJA*

Program Manager Permits
Team Manager Enforcement
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