



BRUCE KING
GOVERNOR

November 18, 1994

SSG John Carpenter
Department of the Army
41st Ordnance Detachment (EOD)
52D Ordnance Group (EOD)
Fort Bliss, Texas 79916-6803

Dear Sergeant Carpenter:

This letter is in reference to the draft Memorandum of Understanding (MOU) that you faxed to the Hazardous and Radioactive Materials Bureau (HRMB) of the New Mexico Environment Department (NMED) on September 13, 1994. As I understand the activities of your Ordnance Group, the appropriate regulations in the New Mexico Annotated Code are found in 40 CFR 265.1(c)(11). Lilia Lenhart of Fort Bliss should be able to obtain a copy for you. The HRMB has been working with her in developing the hazardous waste permit for the Open Detonation unit located at Fort Bliss.

I believe the most appropriate way to address the above regulatory requirements would be through the permit. If we went this route then Fort Bliss would request a permit modification from NMED to place the Standard Operating Procedures (SOP) for responding to the emergency situations into the permit. NMED would then review the procedures and change the permit accordingly. Our approval of the permit modification would be approval of the procedures. The SOP would be an attachment to the permit.

The permit modification option is more appropriate than an MOU in Fort Bliss' case because our administrative mechanism for permits is well established. An MOU could be more lengthy and burdensome to enact. Please check this out to see if it is an acceptable option.

Please contact me at (505) 827-4308 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marc Sides".

Marc Sides
NMED IPA

cc: Barbara Hoditschek, Permits Program Manager
Hazardous and Radioactive Materials Bureau

State of New Mexico
ENVIRONMENT DEPARTMENT
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ENTERED

JUDITH M. ESPINOSA
SECRETARY

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